HOUSE OF REPRESENTATIVES—*Tuesday, May 10, 1994*

The House met at 10:30 a.m.

MORNING BUSINESS

The SPEAKER. Pursuant to the order of the House of Friday, February 11, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. GOSS] for 5 minutes.

A BETTER WAY FOR HAITI

Mr. GOSS. Mr. Speaker, last week at this time, I spoke about the crisis in Haiti and the lack of focus of America's policy. Although the President has finally addressed Haiti, his new policy is poorly thought out, hopelessly inconsistent and very short-sighted. It lacks a long-term strategy for resolving the opposing extremist positions in Haiti, but worse, it contains an explosive combination of tighter sanctions and looser asylum procedures likely to spark a new burst of Haitian refugees headed for Florida. It's simple logic: A tougher embargo equals more economic hardship among Haiti's most desperate poor. More economic hardship equals more refugees. The President said he "hopes" we won't see a flood of refugees—but history suggests that hope is unfounded. The President's own advisers reaffirm that most people leaving Haiti are economic refugees—not political asylum seekers fleeing for their lives. A New York Times story this week emphasizes a "deeply held view in the administration that most of those seeking political asylum are economic migrants posing as victims of persecution" Officials at the U.S. Embassy in Haiti conclude that "The Haitian left, including President Aristide and his supporters in Washington and here, consistently manipulate or even fabricate human rights abuses as a propaganda tool." The President's Deputy National Security Adviser, Sandy Berger, said "Only about 5 percent of those people who have come into the processing centers are, in fact, political refugees." When Haitian refugees have landed in third countries, presumably safe from political persecution, most have sought to return to Haiti. Of course, there is no denying the brutality of the thugs now in control in Haiti—we know there has been repression and political persecution. But tighter sanctions will not resolve this crisis; rather, as the President himself has said, they will, "Cause more hardships for innocent Haitians." The President said the Haitian military will "bear full responsibility for this action," but I am not sure they agree or care. My fear is that, even after tougher sanctions take hold, we will have further demoralized the Haitian people, the thugs will still be in power—and we will have done nothing to help Haitians rebuild their democracy. What we will have done is encouraged more Haitians to overload leaky boats in shark-infested waters. Despite the Clinton administration's claim that economic refugees will be more quickly processed and then repatriated, in the past several weeks approximately 500 Haitians arrived in Florida and were released into our country as a humanitarian exception—including 13 who tested positive for HIV. These actions speak louder than the President's words. Florida's Democrat Governor, Lawton Chiles, recognizes the potential problem—he expects 5,000 to 10,000 refugees a month as a result of this new policy. In his words, "This decision will result in additional burdens on State and local governments in Florida * * * Florida alone cannot shoulder the tremendous burdens that result from Federal immigration policy." Governor Chiles has filed a lawsuit against the Federal Government, seeking to recoup hundreds of millions of dollars the State has spent on illegals in Florida. Mr. Speaker, there is a better way for Haiti that solves the refugee problem, solves the Aristide problem and begins to solve the long-term democracy problem—we can establish a safe haven on the Ile De La Gonave, a small island about 15 miles off the coast of Haiti. The United States could expand its processing of asylum seekers on this Haitian island, safe from the fear of violence. President Aristide—the popularly elected and rightful President of Haiti—could go there and begin to rebuild his government in Haiti. This plan obviates the need for an elaborate and ineffective plan to screen refugees aboard U.S. ships and it would remove the powerful Miami magnet. Florida is anything but a closed door—thousands of refugees from all over this hemisphere have made their home there under orderly immigration processing and are productive, hard-working members of our society. But Florida cannot throw her doors wide open to all refugees from any nation who seek a better life in the United States—that kind of disorder stretches our resources beyond their limits. I urge the administration to review my plan. It can work today to meet the long-term interests of Haiti and the United States.

INTRODUCTION OF THE RURAL HEALTH PROFESSIONAL SHORTAGE ACT AND THE RURAL HOSPITAL SURVIVAL ACT

The SPEAKER pro tempore (Mr. CHAPMAN). Under the Speaker's announced policy of February 11, 1994, the gentleman from Pennsylvania [Mr. CLINGER] is recognized during morning business for 5 minutes.

Mr. CLINGER. Mr. Speaker, most of us agree that a one-size-fits-all health care reform plan that fails to recognize the difference between small, rural communities and large, urban areas will serve no one particularly well, whether you are from New York or Punxsutawney, PA.

When Congress does finally vote on health care reform legislation, we must adopt a plan that provides flexibility for States and localities to meet their own special, regional health care needs. In particular, Congress must not forget that 27 percent of Americans live in rural areas which have distinct health policy problems to resolve.

Aside from the obvious geographic barriers to medical care—such as rough terrain, bad weather conditions, and long distances between medical facilities—rural communities must overcome certain demographic characteristics that make health care delivery a unique challenge.

Rural populations tend to be older and poorer, so there are higher concentrations of Medicare, Medicaid, and uninsured patients. As a result, rural hospitals and providers rely primarily on Federal funds in the form of Medicare reimbursement for survival.

As it is, rural hospitals must contend with low occupancy rates and operate on shoestring budgets, so the past decade of cuts and freezes in Medicare reimbursement have put many rural hospitals in dangerous financial situations. Cutting the primary source of revenue for rural hospitals has forced many to close their doors altogether.

In addition to the financial problems of their local hospitals, many rural areas suffer from an acute shortage of health care professionals. Primary care doctors, physicians assistants, nurses, allied health professionals and other

medical personnel are in short supply, and most rural communities have a difficult time luring professionals from training sites in urban and suburban areas where they can make more money.

The maldistribution of health care professionals and the insolvency of our rural hospitals pose serious threats to the availability of medical care for rural Americans, regardless of whether they can afford it or not. Before we even try to control costs and increase access for the uninsured, we must first revitalize the health care infrastructure in our medically underserved rural areas. Our efforts to reform the health care system will be pointless if rural citizens do not have a doctor to consult or a hospital to visit.

That is why—with the help of my Health Care Advisory Committee, doctors, nurses and other constituents concerned about health care—I have drafted two bills to help solve the real health care problems confronting rural America.

The first bill I am introducing today is the Rural Health Professional Shortage Act to improve the supply and distribution of medical professionals in rural areas.

The quality of rural health care is suffering because many young doctors, nurses, and other medical professionals elect not to practice in rural areas due to existing disincentives and drawbacks to practicing there. While some decisions can be attributed to lifestyle preferences, there are a number of other factors that influence where they choose to live and work.

For instance, many young professionals are discouraged from practicing in rural areas because of lower earnings potential and lower Medicare reimbursements for rural providers.

Because rural professionals are often isolated from colleagues, they cannot rely on them for consultation and second opinions. They must work long hours, many of which are "on call", often with little professional support.

Most health care practitioners prefer working with the latest, state-of-the-art technology which many rural hospitals cannot afford.

Also, medical professionals tend to practice in areas close to where they were trained, and most academic medical institutions and teaching hospitals are located in urban or suburban locales.

The Rural Health Professional Shortage Act eliminates many of these financial and professional disincentives. It provides urban and rural physicians "equal Medicare reimbursements for equal work" by eliminating the urban-rural payment differential, and it financially rewards those rural providers who have higher caseloads of Medicare, Medicaid and uninsured patients.

My bill also encourages rural communities to "grow" their own health care professionals and targets scarce resources to individuals with rural backgrounds since they are most likely to return to and stay in rural areas.

Finally, the bill provides rural communities and their local hospitals the resources and technical assistance necessary to attract and retain medical professionals in their areas.

My second bill, the Rural Hospital Survival Act, recognizes the pivotal role hospitals play in the rural health care delivery system as the primary sources of medical care in rural areas and integral parts of local economies, and it will help to keep many of our struggling "critical access" hospitals open.

According to the American Hospital Association, 389 rural hospitals closed between 1980 and 1992. For those of us living in rural areas, closure of a local hospital can significantly reduce our access to decent health care and cost the local economy valuable, high-skilled, high-wage jobs.

With fewer beds, fewer admissions, lower occupancy rates, and higher per-patient, per-day expenses than metropolitan hospitals, many small, rural hospitals struggle to keep their doors open. The Office of Technology Assessment estimates that nearly one-third of all rural hospitals are operating in the red.

As I already mentioned, rural hospitals rely primarily on Medicare and Medicaid payments, and cuts in reimbursement rates have significantly increased the volume of uncompensated care provided by rural hospitals, requiring them to provide more care with fewer dollars.

In addition to reimbursements that don't keep pace with health care costs, rural hospitals must contend with an unfair Medicare payment system that reimburses them less than urban hospitals.

The heart of the Rural Hospital Survival Act makes important adjustments to the Medicare payment system, including a complete elimination of payment differentials between urban and rural hospitals.

The bill establishes a new telemedicine grant program to promote the development of advanced data, video, and voice networks among hospitals and providers in rural regions. It also renews two grant programs which have successfully helped hospitals and communities throughout the country improve health care delivery for rural residents.

Antitrust exemptions would be provided to encourage cooperation and joint ventures among rural hospitals. Facilities would be able to share equipment, services, and health care personnel without fear of being sued.

And, finally, my bill would establish a commission to study the effects of State and Federal regulations, mandates, and paperwork on small, rural hospitals and the quality of care they provide.

Rural Americans have a great deal at stake in the health care debate. Not only will health care reform affect the cost, quality, and accessibility of their medical care, it will also impact the economic futures of their communities.

While working hard to promote job creation and economic development in my largely rural district over the years, I've learned that the economic vitality of a rural community is closely tied to the quality and availability of medical care in the area. Local economic booms and busts closely correspond with the financial standing of the local hospital, and the strength of a rural hospital can often serve as an accurate barometer of the state of the local economy.

As a local economy declines and unemployment rises, the increasing burden of uncompensated care the local hospital provides fiscally strains the facility and affects the quality of care it provides. Often small, rural hospitals cannot endure prolonged local recessions, and when a hospital is forced to close, it can devastate an already struggling local economy.

One reason is that hospitals are usually one of the largest employers in rural communities. When a rural hospital closes, the local area can lose dozens, sometimes hundreds of well paying jobs.

Also, communities who have lost a hospital may have a difficult time attracting businesses and residents to their areas. Many companies are reluctant to relocate to a region that does not have a hospital or decent health care.

For a rural community to have a decent shot at attracting industry and creating jobs, its local hospital must be in sound financial condition and its health care delivery system capable of providing quality medical care. By strengthening the ailing health care delivery systems in our small, rural communities, my two bills will not only improve the health of our rural residents, but also the health of our rural economies.

Mr. Speaker, I urge my colleagues to recognize and address the unique health care problems affecting rural America by joining me as a cosponsor of these two vital bills.

□ 1040

GUN CONTROL

The SPEAKER pro tempore (Mr. CHAPMAN). Under the Speaker's announced policy of February 11, 1994, the gentleman from Wyoming [Mr. THOMAS] is recognized during morning business for 5 minutes.

Mr. THOMAS of Wyoming. Mr. Chairman, this is the House of Representatives, so I want to talk a little bit

about a meeting I have had with some of the people I represent yesterday. This is a meeting in Rock Springs, WY. We talked about gun control.

Let me tell the Members a little bit about the folks who came. These are middle American folks. This was a meeting that took place at 8:30 in the morning, and many of these folks had come in from a shift at the coal mine, had come in from mining the trona patch in Rock Springs, WY. These are folks who work every day, support their families. It included people who are retired from the Game and Fish Commission, people who have an interest in gun control but interestingly enough, the topic got much broader than gun control. It had to do with personal choices, it had to do with personal freedom, it had to do with States rights.

It is interesting that the proponents of the gun control bill last week talked a great deal about special interests. Let me tell the Members, if this is a special interest, then everything we talk about representing people in our districts are special interests.

They had a special interest. They had a special interest in having personal freedom, they had a special interest in having States rights, they had a special interest in deciding the things that they want to do for themselves.

The theme of the meeting and the purpose of the meeting was gun control. Let me tell the Members that it expanded far beyond that. I am pleased that it did, because there is more to the issue than gun control specifically.

They talked about the impact on the second amendment of the Constitution. They talked about the impact or lack of impact on crime. They talked about the uncertainty of which weapons are covered under this bill. They talked about States rights and how much intrusion we have in the operations of our States from the Federal Government. They talked about personal rights and the infringement there.

Let me mention a couple of those. The Constitution, people feel strongly about the second amendment to the Constitution, about all of the Constitution, about the fact that the Constitution was designed to give only those powers to the Federal Government that are specifically given; that the other powers are vested in the people. It is pretty simple, but very important.

They talked about the fact that we ought to have some recourse to talk about whether or not the Constitution has been infringed. They talked about constitutional amendments. They talked about legal recourse and legal remedies, to say, "Look, this is impeding and impinging upon our constitutional rights."

They talked, too, about the fact that this is feel-good talk, that this kind of arms control, this kind of gun control, will not have any impact at all on crime. Several officers were there. Interestingly, enough, they said, "You know, there are many reasons for people to have guns. Hunting is only one of them. As officers, we react to things that have already happened. People need an opportunity to defend themselves. That is what initially happens."

They talked, too, about the uncertainty of the bill in terms of the weapons that were covered. One of the gentlemen there fires competitively at the Camp Perry competitive shooting event each year. One of the weapons that he has used is barred under this bill, that is used in the Camp Perry Army-sponsored shooting competition. I thought that was interesting.

We also talked about the response from the Tobacco and Firearms department, which said that there literally could be hundreds of weapons that fall in the same characteristic. These folks are very much concerned about that.

They were concerned about States rights. I think one of the most obvious ones you might notice would be, people from New York have particular problems. People in Rock Springs, WY, have a different set of problems.

The idea that we have a "one fits all" kind of a Federal law that covers everything in the whole country, regardless of their circumstances, is beginning to be so repetitive, appears so often. People are very, very offended by this idea, whether it be unfunded mandates, whether it be gun control, whether it be health care, whether it be speed limits imposed by the Federal Government.

There ought to be some States rights, more acknowledgment of the differences we have in this country. They talked a lot about that.

Finally, they talked maybe about the most important aspects of what we are doing is having too much Federal Government in your face, too much Federal Government telling us as individuals, with our rights as individuals and with the responsibilities that go with rights, the freedom to choose their own behavior, the freedom to be responsible for themselves.

I was impressed. I was impressed by, No. 1, the fact that twice as many people came to this meeting as I had imagined would come. I was impressed by the fact that even though they were there specifically on gun control, they talked about the ramifications that are much broader: personal rights, States rights, the ineffectiveness of it.

These were thoughtful people. This is the House of Representatives. It is our task here to represent our people. I am pleased to represent this group, not a special interest, but a personal interest, an interest in something that affects their lives, an interest in something that they think affects the future of this country in terms of Federal intervention into their rights.

Mr. Speaker, I think it is important for citizens of this country to deal with these issues on a local level, to talk about these issues, to read about these issues, to express their concern about issues. The strength of this country is individual participation. This is a government of the people and this is how you do it. This is how you do it.

Mr. Speaker, I was pleased and impressed, and of course, I agree, I agree that the essence of personal freedom is to have people to have choices and to have the responsibility to stand by those choices.

A DIVERGENCE OF VALUES

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Texas [Mr. SMITH] is recognized during morning business for 5 minutes.

Mr. SMITH of Texas. Mr. Speaker, a few days ago Newsweek published an article the likes of which I have never seen before concerning a current President. Titled "The Politics of Promiscuity," it examines the basic question of President Clinton's character. Despite the title, it is not a sleazy story. It is not a partisan story. What it is, is a lamentable story, and regrettably, in the case of this White House, an unending one.

The article's author, Joe Klein, writes that:

> Paula Jones' story will join the rising landfill of allegations of personal misbehavior that Bill Clinton has had to deny, deflect, defend, derail. It has heft only because there have been so many others, and because it reinforces a widely held suspicion about the precise nature of the president's problem.

Klein continues, "It seems increasingly, and sadly, apparent that the character flaw Bill Clinton's enemies have fixed upon—promiscuity—is a defining characteristic of his public life as well."

The Newsweek author is not talking about promiscuity's most common meaning, but its fullest meaning—casual or irregular behavior. Whether at home or abroad, this kind of careless, cavalier conduct has been the trademark of this administration.

As Klein observes, the result is—

> With the Clintons, the story always is subject to further revision. The misstatements are always incremental. The "misunderstanding" are always innocent—casual, irregular: promiscuous. Trust is squandered in dribs and drabs.

The President has gone so long down this road that he has come to the point where he must hire superlawyer Bob Bennett to address the mess. When you hire a superlawyer, you have superproblems. Bennett will be trying to salvage the President's reputation. He will have his work cut out for him.

Never before in my memory has an administration been so lacking in its understanding of the basic values that the rest of America holds dear.

President Clinton's financial dealings are a case in point. Recently, Presi-

dents have put their assets in the hands of others while in office. Today we find that we have gone from Presidents who put their faith in blind trusts, to a President who puts his faith in trust being blind.

The President has insisted that he lost money on his financial transactions and he believes that should be the end of the discussion. I am sure every accused criminal ever caught would love to equate failure with innocence. However, the fact that the President's defense has been that his transactions were unsuccessful only indicates he does not understand the question of impropriety.

The question is not whether money was made, but why was he involved in the first place? And the answer is that he had no business doing business with people whose business it was his business to regulate.

If this fault were the only lapse—or if the administration's faults were only lapses—then there would not be such a cause for concern. But as the administration's faults continue to mount and continue to erode America's foundations, it becomes daily more obvious that they are not lapses. They are not strayings from a shared path of principles, but a new route of questionable rights and values altogether.

With each passing incident, the American people discover a divergence of values with this administration—that the White House's way is is not their way, or the way they were led to believe the administration would follow.

The Newsweek article observes President Clinton tells his closest advisers that "character is a journey, not a destination." Klein writes:

This evolutionary notion of character is something of a finesse: it can drift from explaining lapses to excusing them. There is an adolescent, unformed, half-baked quality to it—as there is to the notion of promiscuity itself: an inability to settle, to stand, to commit. It will not suffice in a president.

Klein concludes:

Life is a journey; but character, most assuredly, is not. It is a destination most adults reach, for good or ill. And it is both tragic and quite dangerous that we find ourselves asking if Bill Clinton will ever get there.

The fact is this administration drifts aimlessly, hoisting the sail of "promise" and the jib of "change" to catch whatever breeze is blowing, regardless of where it might lead, at the same time sailing farther and farther from the course set by the American people.

When the crew spends more time bailing than rowing, the boat is in trouble. When the administration spends more time explaining than governing, the Nation is in trouble. To the clear question of character, the Clinton administration doesn't appear to have an answer, only explanations.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

□ 1050

RECESS

The SPEAKER pro tempore (Mr. CHAPMAN). Pursuant to clause 12, rule I, the Chair declares the House in recess until today at noon.

Accordingly (at 10 o'clock and 55 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, offered the following prayer:

We pray, O God, that the great words that are heard in this assembly—words of fairness and justice, of peace and harmony and equity, of dedication and service and commitment, of integrity and honor and respect—will be words not only of our lips, but will be committed to our hearts, and may all that we commit to our hearts, let us practice in our daily lives. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Mississippi [Mr. MONTGOMERY] please come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3841. An Act to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3841) "An act to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RIEGLE, Mr. SARBANES, Mr. DODD, Mr. SASSER, Mr. D'AMATO, Mr. GRAMM, and Mr. ROTH, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 116. An act for the relief of Fanie Phily Mateo Angeles.

FACTUAL HARASSMENT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the President has hired Robert Bennett, the noted defense attorney, to defend him against charges of sexual harassment.

Can Bennett defend the President against charges of factual harassment? This is where the President says one thing, but does another.

His health care plan was supposed to promote health security for all, but in reality would lower health care quality while costing a million jobs.

He promised to end welfare as we know it, but if he has a plan he will not show it.

His plan to fight crime spends more money on social programs than on building prisons, and we all remember his promise for a middle-class tax cut.

Mr. Speaker, the President must answer many charges in the months to come. The most serious of all to the American people is the President's penchant for factual harassment.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to remind Members that comments regarding the President of the United States are covered by House rules of comity, and Members should avoid any references to the President that involve suggestions of a personal character.

The Chair wishes to allow reasonable latitude for debate on subjects of personal interest and importance, but Members will observe the rules of comity with regard to the President, Members of the other body, and their fellow Members.

INTRODUCTION OF A RESOLUTION DECLARING AUGUST 16, 1994, AS TV NATION DAY

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, many people often claim the media only shows what is wrong with America and not what is right about our great country. I am pleased to say that a new television program will air this summer that will be an uplifting, positive look at what is right about America.

The program will be known as TV Nation. It is a joint venture between NBC in the United States and the BBC in England. "TV Nation" will be different than most of the television magazine shows currently on the air. This show will be positive and upbeat and will not dwell on the negative aspects of today's society as so many of these tabloid journalism shows do.

I recently participated in an interview with Michael Moore, the host of the new show, and I am looking forward to seeing "TV Nation" later this summer. To support the program's goal of highlighting what is right about America and the world today, I am introducing a resolution declaring August 16, 1994, as "TV Nation Day."

The resolution, which I hope my colleagues will support, will praise "TV Nation" for creating new jobs in this country and improving our balance of trade, but more importantly, it will recognize the show's producers for allowing TV audiences in this country and around the world to see what is right about America, and that alone is a praiseworthy achievement.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE REPORT ON H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. MONTGOMERY. Mr. Speaker, I have cleared this unanimous-consent request with the Republican side.

Mr. Speaker, I ask unanimous consent that the Committee on Armed Services have until midnight tonight to file its report on the bill, H.R. 4301, the National Defense Authorization Act for fiscal year 1995.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

COMMEMORATIVE COIN TO RECOGNIZE THE 50TH ANNIVERSARY OF THE BLUE ANGELS FLIGHT DEMONSTRATION TEAM

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, I rise today to inform my colleagues about legislation I am introducing to recognize the tremendous history of the U.S. Navy Flight Demonstration Squadron, the Blue Angels.

The year 1996 marks the 50th anniversary of the Blue Angels. To honor this occasion, I am introducing a bill to authorize the minting of $1 commemorative coins.

Millions of people have been dazzled by the high-speed flying exhibitions performed by the Blue Angels. In addition to their flying events, though, the pilot and their crews perform numerous good will and role model activities. In virtually every community in which the Blue Angels perform, the team visits high schools and hospitals, and opens practice shows for the disabled and the elderly to inspire people to achieve their highest potential.

The Blue Angels serve not only the Navy, but also our country. In 1992, the team expressed American good will to over 1 million people across Europe and Russia. The Blue Angels deserve our recognition, and I urge my colleagues to support this legislation.

IT'S TIME FOR A TO Z

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the new chairman of the Appropriations Committee wants Members to have a 1-week review of A to Z spending cuts before a vote is taken. I hope that signals a new policy in the Democrat leadership, which now routinely asks Members to vote on bills without the benefit of time to review the specifics. If we're going to wait 1 week before we vote on cuts, I hope Members will have at least that much time to study proposals to spend taxpayers' money. The Speaker said the A to Z spending cuts plan is "poorly thought out" because it "denies the opportunity to Members to have thoughtful consideration and review of legislation prior to votes." In my short tenure here, time and again the text of spending bills, tax bills, and major policy changes was only made available to Members a few hours before the vote. Is this new rhetoric a change of heart, Mr. Speaker, or simply another track smoke and mirrors designed to derail spending cuts?

INTRODUCTION OF H.R. 4371, DIESEL FUEL TAX LEGISLATION

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, last year when we passed the Omnibus Reconciliation Act of 1993, we adopted a fuel-dying scheme to ensure compliance with the new diesel fuel taxes on recreational vessels.

On paper this requirement seemed rather simple. Recreational vessels would be required to purchase clear, taxed fuel and commercial vessels would be required to purchase dyed, tax-exempt fuel.

Unfortunately, since the implementation of the dying scheme forces marina owners to sell two fuels, they must either buy a new fuel storage tank or sell only one fuel. Since most marinas cannot afford new tanks, they are losing business, and boaters across the country are having a hard time finding fuel.

To resolve this problem, I, along with a number of my colleagues, am introducing legislation today, H.R. 4371, which would modify the collection of the new diesel fuel tax. Briefly, H.R. 4371 would allow any vessel—recreational or commercial—to purchase any color fuel. The marina owners would charge the tax at the pump instead of paying the tax at the wholesale level. This change gives boatowners and marinas the necessary flexibility to ensure that fuel will be available this summer.

Mr. Speaker, I am sure that the chairman of the Committee on Ways and Means probably came to the floor to hear me give this 1 minute on this fuel tax modification, and I really appreciate the chairman's solicitude for this legislation.

Mr. Speaker, I urge my colleagues to support the distinguished Members who are introducing this bill with me, and help fix a problem which is creating havoc in the boating industry.

□ 1210

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, May 11, 1994.

SOCIAL SECURITY ACT AMENDMENTS OF 1994

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4278) to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act.

The Clerk read as follows:

H.R. 4278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Act Amendments of 1994".

SEC. 2. SIMPLIFICATION OF EMPLOYMENT TAXES ON DOMESTIC SERVICES.

(a) COORDINATION OF COLLECTION OF DOMESTIC SERVICE EMPLOYMENT WITH COLLECTION OF INCOME TAXES.—

(1) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 (relating to general provisions relating to employment taxes) is amended by adding at the end thereof the following new section:

"SEC. 3510. COORDINATION OF COLLECTION OF DOMESTIC SERVICE EMPLOYMENT TAXES WITH COLLECTION OF INCOME TAXES.

"(a) GENERAL RULE.—Except as otherwise provided in this section—

"(1) returns with respect to domestic service employment taxes shall be made on a calendar year basis,

"(2) any such return for any calendar year shall be filed on or before the 15th day of the fourth month following the close of the employer's taxable year which begins in such calendar year, and

"(3) no requirement to make deposits (or to pay installments under section 6157) shall apply with respect to such taxes.

"(b) DOMESTIC SERVICE EMPLOYMENT TAXES SUBJECT TO ESTIMATED TAX PROVISIONS.—

"(1) IN GENERAL.—Solely for purposes of section 6654, domestic service employment taxes imposed with respect to any calendar year shall be treated as a tax imposed by chapter 2 for the taxable year of the employer which begins in such calendar year.

"(2) ANNUALIZATION.—Under regulations prescribed by the Secretary, appropriate adjustments shall be made in the application of section 6654(d)(2) in respect of the amount treated as tax under paragraph (1).

"(3) TRANSITIONAL RULE.—For purposes of applying section 6654 to a taxable year beginning in 1994, the amount referred to in clause (ii) of section 6654(d)(1)(B) shall be increased by 90 percent of the amount treated as tax under paragraph (1) for such taxable year.

"(c) DOMESTIC SERVICE EMPLOYMENT TAXES.—For purposes of this section, the term 'domestic service employment taxes' means—

"(1) any taxes imposed by chapter 21 or 23 on remuneration paid for domestic service in a private home of the employer, and

"(2) any amount withheld from such remuneration pursuant to an agreement under section 3402(p).

For purposes of this subsection, the term 'domestic service in a private home of the employer' does not include service described in section 3121(g)(5).

"(d) EXCEPTION WHERE EMPLOYER LIABLE FOR OTHER EMPLOYMENT TAXES.—To the extent provided in regulations prescribed by the Secretary, this section shall not apply to any employer for any calendar year if such employer is liable for any tax under this subtitle with respect to remuneration for services other than domestic service in a private home of the employer.

"(e) GENERAL REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section. Such regulations may treat domestic service employment taxes as taxes imposed by chapter 1 for purposes of coordinating the assessment and collection of such employment taxes with the assessment and collection of domestic employers' income taxes.

"(f) AUTHORITY TO ENTER INTO AGREEMENTS TO COLLECT STATE UNEMPLOYMENT TAXES.—

"(1) IN GENERAL.—The Secretary is hereby authorized to enter into an agreement with any State to collect, as the agent of such State, such State's unemployment taxes imposed on remuneration paid for domestic service in a private home of the employer. Any taxes to be collected by the Secretary pursuant to such an agreement shall be treated as domestic service employment taxes for purposes of this section.

"(2) TRANSFERS TO STATE ACCOUNT.—Any amount collected under an agreement referred to in paragraph (1) shall be transferred by the Secretary to the account of the State in the Unemployment Trust Fund.

"(3) SUBTITLE F MADE APPLICABLE.—For purposes of subtitle F, any amount required to be collected under an agreement under paragraph (1) shall be treated as a tax imposed by chapter 23.

"(4) STATE.—For purposes of this subsection, the term 'State' has the meaning given such term by section 3306(j)(1).".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding at the end thereof the following:

"Sec. 3510. Coordination of collection of domestic service employment taxes with collection of income taxes.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to remuneration paid in calendar years beginning after December 31, 1994.

(4) EXPANDED INFORMATION TO EMPLOYERS.—The Secretary of the Treasury or his delegate shall prepare and make available information on the Federal tax obligations of employers with respect to employees performing domestic service in a private home of the employer. Such information shall also include a statement that such employers may have obligations with respect to such employees under State laws relating to unemployment insurance and workers compensation.

(b) THRESHOLD REQUIREMENT FOR SOCIAL SECURITY TAXES.—

(1) AMENDMENTS OF INTERNAL REVENUE CODE.—

(A) Subparagraph (B) of section 3121(a)(7) of the Internal Revenue Code of 1986 (defining wages) is amended to read as follows:

"(B) cash remuneration paid by an employer in any calendar year to an employee for domestic service in a private home of the employer (within the meaning of subsection (y)), if the cash remuneration paid in such year by the employer to the employee for such service is less than the applicable dollar threshold (as defined in subsection (y)) for such year;".

(B) Section 3121 of such Code is amended by adding at the end thereof the following new subsection:

"(y) DOMESTIC SERVICE IN A PRIVATE HOME.—For purposes of subsection (a)(7)(B)—

"(1) EXCLUSION FOR CERTAIN FARM SERVICE.—The term 'domestic service in a private home of the employer' does not include service described in subsection (g)(5).

"(2) APPLICABLE DOLLAR THRESHOLD.—The term 'applicable dollar threshold' means $1,250. In the case of calendar years after 1995, the Secretary of Health and Human Services shall adjust such $1,250 amount at the same time and in the same manner as under section 215(a)(1)(B)(ii) of the Social Security Act with respect to the amounts referred to in section 215(a)(1)(B)(i) of such Act, except that, for purposes of this paragraph, 1993 shall be substituted for the calendar year referred to in section 215(a)(1)(B)(ii)(II) of such Act. If the amount determined under the preceding sentence is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.".

(C) The second sentence of section 3102(a) of such Code is amended—

(i) by striking "calendar quarter" each place it appears and inserting "calendar year", and

(ii) by striking "$50" and inserting "the applicable dollar threshold (as defined in section 3121(y)(2)) for such year".

(2) AMENDMENT OF SOCIAL SECURITY ACT.—Subparagraph (B) of section 209(a)(6) of the Social Security Act (42 U.S.C. 409(a)(6)(B)) is amended to read as follows:

"(B) Cash remuneration paid by an employer in any calendar year to an employee for domestic service in a private home of the employer, if the cash remuneration paid in such year by the employer to the employee for such service is less than the applicable dollar threshold (as defined in section 3121(y)(2) of the Internal Revenue Code of 1986) for such year. As used in this subparagraph, the term 'domestic service in a private home of the employer' does not include service described in section 210(f)(5).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to remuneration paid in calendar years beginning after December 31, 1994.

(4) RELIEF FROM LIABILITY FOR CERTAIN UNDERPAYMENT AMOUNTS.—

(A) IN GENERAL.—On and after the date of the enactment of this Act, an underpayment to which this paragraph applies (and any penalty, addition to tax, and interest with respect to such underpayment) shall not be assessed (or, if assessed, shall not be collected).

(B) UNDERPAYMENTS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to an underpayment to the extent of the amount thereof which would not be an underpayment if—

(i) the amendments made by paragraph (1) had applied to calendar years 1993 and 1994, and

(ii)(I) the applicable dollar threshold for calendar year 1993 were $1,150, and

(II) the applicable dollar threshold for calendar year 1994 were $1,200.

SEC. 3. ALLOCATIONS TO FEDERAL DISABILITY INSURANCE TRUST FUND.

(a) ALLOCATION WITH RESPECT TO WAGES.—Section 201(b)(1) of the Social Security Act (42 U.S.C. 401(b)(1)) is amended by striking "(O) 1.20 per centum" and all that follows through "December 31, 1999, and so reported," and inserting "(O) 1.20 per centum of the wages (as so defined) paid after December 31, 1989, and before January 1, 1994, and so reported, (P) 1.88 per centum of the wages (as so defined) paid after December 31, 1993, and before January 1, 2000, and so reported, and (Q) 1.80 per centum of the wages (as so defined) paid after December 31, 1999, and so reported,".

(b) ALLOCATION WITH RESPECT TO SELF-EMPLOYMENT INCOME.—Section 201(b)(2) of such Act (42 U.S.C. 401(b)(2)) is amended striking "(O) 1.20 per centum" and all that follows through "December 31, 1999," and inserting "(O) 1.20 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1989, and before January 1, 1994, (P) 1.88 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1993, and before January 1, 2000, and (Q) 1.80 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1999,".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to wages paid after December 31, 1993, and self-employment income for taxable years beginning after such date.

(d) STUDY ON RISING COSTS OF DISABILITY BENEFITS.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary of Health and Human Services shall conduct a comprehensive study of the reasons for rising costs payable from the Federal Disability Insurance Trust Fund.

(2) MATTERS TO BE INCLUDED IN STUDY.—In conducting the study under this subsection, the Secretary shall—

(A) determine the relative importance of the following factors in increasing the costs payable from the Trust Fund:

(i) increased numbers of applications for benefits;

(ii) higher rates of benefit allowances; and

(iii) decreased rates of benefit terminations; and

(B) identify, to the extent possible, underlying social, economic, demographic, programmatic, and other trends responsible for changes in disability benefit applications, allowances, and terminations.

(3) REPORT.—Not later than December 31, 1995, the Secretary shall transmit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate setting forth the results of the study conducted under this subsection, together with any recommendations for legislative changes which the Secretary determines appropriate.

SEC. 4. NONPAYMENT OF BENEFITS TO INCARCERATED INDIVIDUALS AND INDIVIDUALS CONFINED IN CRIMINAL CASES PURSUANT TO CONVICTION OR BY COURT ORDER BASED ON FINDINGS OF INSANITY.

(a) IN GENERAL.—Section 202(x) of the Social Security Act (42 U.S.C. 402(x)) is amended—

(1) in the heading, by inserting "and Certain Other Inmates of Publicly Funded Institutions" after "Prisoners";

(2) in paragraph (1) by striking "during which such individual" and inserting "during which such individual—", and by striking "is confined" and all that follows and inserting the following:

"(A) is confined in a jail, prison, or other penal institution or correctional facility pursuant to his conviction of an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed), or

"(B) is confined by court order in an institution at public expense in connection with—

"(i) a verdict that the individual is guilty but insane, with respect to an offense punishable by imprisonment for more than 1 year,

"(ii) a verdict that the individual is not guilty of such an offense by reason of insanity,

"(iii) a finding that such individual is incompetent to stand trial under an allegation of such an offense, or

"(iv) a similar verdict or finding with respect to such an offense based on similar factors (such as a mental disease, a mental defect, or mental incompetence),

and, for purposes of this subparagraph, an individual so confined shall be treated as remaining so confined until he or she is unconditionally released from the care and supervision of such institution and such institution ceases to meet the individual's basic living needs."; and

(3) in paragraph (3), by striking "any individual" and all that follows and inserting "any individual who is confined as described in paragraph (1) if the confinement is under the jurisdiction of such agency and the Secretary requires such information to carry out the provisions of this section.".

(b) CONFORMING AMENDMENTS.—

(1) Section 226 of such Act (42 U.S.C. 426) is amended by adding at the end the following new subsection:

"(i) The requirements of subsections (a)(2) and (b)(2) shall not be treated as met with respect to any individual for any month if a monthly benefit to which such individual is entitled under section 202 or 223 for such month is not payable under section 202(x).".

(2) Section 226A of such Act (42 U.S.C. 426-1) is amended by adding at the end the following new subsection:

"(d) The requirements of subsection (a)(1) shall not be treated as met with respect to any individual for any month if a monthly benefit to which such individual is entitled under section 202 or 223 for such month is not payable under section 202(x).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to benefits for months commencing after 90 days after the date of the enactment of this Act and with respect to items and services provided after such 90-day period.

The SPEAKER. Pursuant to the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 20 minutes, and the gentleman from Kentucky [Mr. BUNNING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on Ways and Means brings before the House today H.R. 4278, a bill simplifying and streamlining the payment of Social Security payroll taxes on domestic workers.

This bill will reform the so-called nanny tax to update an old law and to ease the paperwork burden on household employers. It will increase the number of employers who comply with the law and it will assure that more workers will receive much-needed protection under Social Security.

First, the Social Security tax threshold will be updated from $50 a quarter to $1,250 a year, beginning in 1995. In addition, the threshold will be indexed for the future. This threshold has not been updated since 1950, and, during those years, its value has declined.

No one ever intended that Americans be required to pay taxes on occasional babysitters or yard workers. But that's what has happened over time. This bill will take care of that problem by exempting this type of occasional work from Social Security taxes. At the same time, it will protect full-time nannies and housekeepers by assuring that they receive Social Security coverage.

Second, the bill will reduce paperwork for employers by permitting them to file their employment taxes on their own annual 1040 forms. This simplification—coupled with the updating of the threshold—should result in a significant increase in compliance with the law and should therefore increase the number of people protected under Social Security.

The bill includes two other provisions. The first reallocates a small portion of the Social Security payroll tax from the retirement and survivors fund to the disability fund. About one-third of 1 percent of payroll would be reallocated between funds. The total payroll tax rate paid by individual taxpayers would not change.

The Social Security trustees have recommended this reallocation to assure the short-term solvency of the fund. Without it, the disability insurance fund would become insolvent in 1995.

Finally, the bill suspends Social Security payments to people who are ordered—by a court of law—to be institutionalized at public expense because they are found not guilty of a crime by reason of insanity.

This measure would result in significant savings for the Social Security trust fund and would assure that this legislation falls within the budget rules.

Mr. Speaker, the House acted responsibly last summer and passed a change in both the nanny tax and in the allocation of the trust funds.

At the insistence of the Senate, however, the House was forced to drop these provisions in conference—for procedural reasons. So we are here today to pass them again.

I strongly urge my colleagues to give this bill their full support and to send it on to the Senate for speedy action.

Mr. Speaker, I reserve the balance of my time.

Mr. BUNNING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a pleasure to be here. I would first like to acknowledge my esteemed colleagues The chairman of the Committee on Ways and Means, and particularly the chairman of the Social Security Subcommittee, for all of his efforts, including holding a separate and in depth hearing on each of the three issues in the bill that we are considering today. I appreciate his fairness and willingness to consider my views and those of other Members on my side.

The bill we are considering today contains three important provisions, all of which are long overdue in my estimation.

The first, a provision to fix the nanny tax problem, made famous by Zoe Baird—is in my view, just about 40 years overdue.

As anyone who has read a newspaper in the last year knows, domestic workers—many of whom work in private homes as housekeepers or nannies—have been covered under Social Secu-

rity for almost 40 years, since 1955, as long as they earned at least $50 in wages in a calendar quarter.

Back then $50 was also the minimum amount that a worker had to earn in order to get any credit toward a Social Security benefit, and represented a week and a half's wage. But that $50 amount was never indexed.

And so, while times have changed for all other employers and workers, domestic workers and the people who employ them have remained frozen in the 1950's.

Because this amount was never indexed, householders who occasionally hire teenage baby sitters and pay them more than $50 a quarter, are technically in violation of the law for failing to report their wages to pay FICA taxes on them.

Congress never intended to make tax cheats out of law-abiding householders who occasionally hire a teenager to babysit their children.

And then there is the issue of all the burdensome paperwork that a householder had to complete in order to pay FICA taxes on the wages of a domestic or nanny.

The bill we are considering today addresses all of these problems.

It raises this outdated $50 wage threshold in a calendar quarter to $1,250 paid in a year—enough to exempt most teenage babysitters and lawn mowers.

I personally would have preferred a higher threshold amount—like the $1,800 threshold that was stripped from last year's budget reconciliation bill.

But I also appreciate the need to protect Social Security entitlement for those who spend their lifetimes in domestic employment—many of whom are low-income women, $1,250 is a reasonable middle ground.

The bill also allows householders who employ domestic workers to pay FICA taxes on their wages as part of their personal tax returns rather than have to complete all sorts of complicated additional paperwork.

The second provision seems to me to be something we need to do whether we like it or not. It would allow a transfer of funds from the Social Security retirement trust fund, which has enough money to last until 2036, to the disability trust fund, which will run out of money next year if we don't act now.

At the same time, however, I think we have to recognize that this transfer is just a Band-Aid. It is a temporary solution.

The administration has to take a serious look at why the disability program is in trouble and it has to act fast.

Congress voted the Social Security Administration extra money last year to process disability backlogs. We voted them $200 million to get the job done, and now we find out that $32 million of that was spent on pay increases and bonuses. This is outrageous and irresponsible.

Social Security Administration needs to get serious about clearing up the disability backlogs—they need to do something about disability reviews. They need to address these problems with the disability program before they hand out any more raises or bonuses.

The third provision is also overdue. Fourteen years ago, in 1980, Congress voted to prohibit payment of Social Security benefits to criminals like the Son of Sam, who are being completely supported at the taxpayers' expense as they serve out their time behind bars. The provision in their bill would likewise prohibit payment of benefits to those who have committed terrible crimes, but who are found not guilty by reason of insanity, and are institutionalized at taxpayers' expense instead of being imprisoned.

That is basically what this is all about. Nothing controversial. It is a commonsense approach to three issues which needed to be addressed. It deserves my colleagues support.

I thank the Chair for its attention to this important bill, and I look forward to its speedy passage.

□ 1220

Mr. Speaker, I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield the remainder of my time to the gentleman from Indiana [Mr. JACOBS], the chairman of the Subcommittee on Social Security, and I ask unanimous consent that the gentleman from Indiana [Mr. JACOBS] be authorized to yield time.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Illinois?

There is no objection.

Mr. JACOBS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also thank the ranking member of the Committee on Ways and Means Social Security Subcommittee for his generous remarks, and in response, say that I have never had the pleasure of working with a more cooperative colleague in the Congress than I have the gentleman from Kentucky [Mr. BUNNING]. It takes two to work things out, and I am very grateful for that. I should also express for the record my gratitude to the gentleman from Massachusetts [Mr. TORKILDSEN] for his contribution to this legislation in clearing up a question of what is a felony and what is not a felony and who should be denied the Social Security benefits. His contribution has been enormous.

I incorporate by reference the remarks of the chairman, the gentleman from Illinois [Mr. ROSTENKOWSKI], and of the ranking member, the gentleman from Kentucky [Mr. BUNNING]. They have described the proposed legislation well and the background of it.

A free society will not be civilized and will not be law-abiding in those instances in which the Government is negligent in terms of fairness of the law, and I confess for the Government that over the past half-century this Government has not forgotten to raise the threshold for any credit you might get for paying Social Security taxes, but in all that time has never raised the threshold for paying it, perhaps the best way to illustrate the ravages of inflation and what profound effects they can have on statutes.

I also incorporate by reference the phenomenon that happened in the earned income tax credit during the first few years of the 1980's when, in fact, it raised the taxes of the poorest working people in our society.

But one little anecdote I think would serve. When Speaker Joe Cannon was in office, or, rather, when he was elected Speaker for the first time, some of his friends explained to him that he had risen high on the social ladder in Washington, and he really ought to have a better place to live. So they took him out and they showed him a nice apartment that ran $400 a month rent, and the Speaker replied, "It would be OK with me fellows. But what would I do with the other $200 of my salary?" The congressional salary when he was Speaker of the House was $5,000, which seems rather unreal today, although I am sure there are some people who are watching C-SPAN who think that would be too much even today even for Members of Congress. But I think most people have a practical knowledge of how inflation works, and this bill is meant to ameliorate that situation.

I commend all of my colleagues who have participated and will participate in this effort for the splendid way in which they have done it in response to the public.

Mr. Speaker, I reserve the balance of my time.

Mr. BUNNING. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, certain issues that come before this body cry out for attention. Making sure that prisoners do not collect benefits while in jail is certainly one of them.

Convicted criminals in jail should not collect taxpayer-funded payments while there. Period.

But under a loophole in existing law, felons who are behind bars are denied Social Security benefits while convicts who are serving time for misdemeanors are allowed to continue receiving money. Because the definition of misdemeanor varies from State-to-State, this means some prisoners serving sentences in excess of 1 year continue to receive Federal money.

This defies logic.

While the taxpayers are paying to keep them in prison, prisoners should not receive any cash benefits.

The problem was highlighted in the Lawrence Eagle-Tribune, a newspaper that circulates in my district.

I propose simply that we cut off benefits to prisoners serving in prison. This simply makes sense.

Mr. Speaker, my proposed change has received bipartisan support in the subcommittee and the full committee, and I want to publicly thank the gentleman from Indiana and the gentleman from Kentucky for their assistance and also thank the gentleman from Indiana for his very kind words and support. This change has been partially included in this bill before the House today, and I hope my colleagues will also lend support.

There has been a lot of talk about welfare reform in the administration and by Members of this body. As we undertake this important task, there will no doubt be numerous areas of legitimate disagreement. However, there should be little room for disagreement on ending Social Security benefits for prisoners.

I urge my colleagues to support this important measure.

Mr. JACOBS. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, 1½ years ago, much of the Nation was made aware of a law which affects hundreds of thousands of people and has been broken by countless employers—the law regarding Social Security earnings for domestic employees, the so-called nanny tax.

Excellent choices for public service could not be made in part because of nominees' failures to fully comply with this law. Many people have discovered they have run afoul of this law, which has not been updated in more than 40 years.

Today, if you use a babysitter or someone to mow your lawn on a regular basis, you may have an obligation to pay Social Security taxes for them. And while it was never the intent of this law to pay this tax for your 12-year-old babysitter, the law is very much needed to protect the men and women who make their living at domestic work.

This law is not one that affects only a few high-profile people. This affects hundreds of thousands of domestic workers, their families, and their employers. When employers fail to pay this tax, workers who have multiple employers can find themselves ineligible for benefits even after a lifetime of work. That is not right. This is absolutely wrong.

Mr. Speaker, I want to thank today a member of the staff of Ways and Means, Sandy Wise, for being very aware of what was happening as we were addressing this piece of legislation in knowing if we passed it in the wrong way many people who worked for multiple employers would lose their Social Security.

Last year, the Ways and Means Committee considered this issue in budget reconciliation. At that time, I was concerned that the $1,750 threshold adopted by both the subcommittee and the full committee would have caused 300,000 people—40 percent of domestic workers—to lose eligibility for Social Security. Those most affected would have been women with multiple employers who work only once or twice each month for each employer. Those women could conceivably work fulltime and receive no credit for Social Security.

Last fall, I introduced a bill with Congresswoman MEEK and Congressman HOUGHTON to raise the threshold to $1,000 per year. The $1,200 threshold in this bill is a good compromise that reduces the administrative burden on employers of the occasional babysitter, or house cleaner while ensuring that workers receive the benefits they are due. This action is long overdue, and I urge my colleagues to support it.

I would like to thank Congresswoman MEEK and Congressman HOUGHTON for their perseverance in working with me to bring forth good legislation. I look forward to containing work with them on this issue.

□ 1230

Mr. BUNNING. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank my distinguished colleague, the gentleman from the Commonwealth of Kentucky, for yielding this time to me.

Mr. Speaker, I strongly support H.R. 4278, and commend the committee for its hard work. This bill contains several important provisions that are long overdue. The so-called nanny tax became a household topic over the last 15 months, when several high-profile administration appointees were disqualified from service because they had failed to comply with the law. Those cases raised public awareness that the existing law is sorely out of date and in need of review. Many of my colleagues offered proposals to update a 1950's provision in the law to reflect modern day realities. My bill, H.R. 929, would have increased the threshold requirement from the current $50 limit to $300 per quarter, for an annual earnings total of $1,200. H.R. 4278 does virtually the same—making the annual threshold $1,250. This legislation also limits Social Security benefits for the criminally insane, a provision that closes a current inequity in our system that bars incarcerated felons from receiving Social Security but allows criminally insane people living in mental institutions to continue to claim those benefits. In effect, today we provide Social Security to the criminally insane while society is already paying for their housing and subsistence needs through mental institutions. Finally, this bill makes a technical change that will ensure continued funding of the gentleman from Social Security disability insurance fund—at least in the short term. Many Americans were stunned to learn recently that this fund is so strapped that it is heading for insolvency next year. This causes anxiety in my district. A report last month from the Social Security trustees delivered sobering news that SSDI and the other Social Security funds were in far worse shape and were becoming depleted at a much faster rate than had been predicted. As a member of the President's Bipartisan Commission of Entitlement Reform, I studied this report with alarm. Clearly, the current system is unsustainable. Today's action, although predominantly a stop-gap measure, at least buys us time until we can implement fair and effective changes to ensure the long-term solvency of Social Security. This is something we owe not only to today's retirees—but their children and grandchildren as well.

Mr. HOUGHTON. Mr. Speaker, I want to urge my fellow Members to support this legislation, H.R. 4278, to raise the threshold at which employers must start paying Social Security taxes for their domestic employees. The legislation is long overdue and will protect domestic employees while simplifying reporting requirements for employers.

As one of the originators of the bill, I want to emphasize that the bottom-line people issue is retirement coverage for domestic employees. Yes, there are other issues, such as the payment of income tax; although many of the employees probably have income below the minimum taxable amount. Also, the present filing requirements are numerous and burdensome. However, the overriding concern is to provide retirement coverage for domestic employees.

This bill is not complicated. It raises the threshold that triggers reporting of income to $1,250 per year from the present $50 a quarter. That was set during the Presidency of Mr. Truman. It ties this level to inflation. And it makes it easy for taxpayers to report openly, payments for domestic help, both to the Government and to the employees.

Employees should pay their share of income taxes. But the thrust of this new legislation is to bring those outside the Social Security system back under the umbrella—for their own ultimate protection.

We have been talking about this problem for over a year. It's time to make a change and pass this legislation.

Mrs. MEEK of Florida. Mr. Speaker, today is a happy day for me.

Almost 18 months ago, I introduced legislation to simplify and streamline the payment of employment taxes for domestic workers.

Today, after many twists and turns in the legislative process, the House is poised to pass our bill, H.R. 4278, the Social Security Act Amendments of 1994. Today, we can take a great leap forward in insuring fairness and economic justice for thousands of Americans

who work hard for low wages but who, by and large, have been denied the full benefits of their labor.

This issue has gotten a lot of attention over the past year because several prominent people—the employers of domestic workers—failed to pay Social Security taxes for their employees.

Some of these prominent people were denied appointments to power government posts as a consequence of their failure. They became objects of sympathy to some because of what they were forced to give up.

H.R. 4278 will make it easier for employers like these by simplifying and streamlining the payment of Social Security taxes for domestic workers and reducing their administrative burden.

But Mr. Speaker, to me the chief value of H.R. 4278 is that it will help the employees—the people who work in other peoples' homes. For this bill will insure that they receive the Social Security coverage to which they are entitled by law when they retire or become disabled.

I know well these mostly nameless and faceless people who clean houses, offer in-home child care or provide other services in the home. I was once a domestic worker myself. My mother was a domestic worker. All of my sisters were domestic workers.

Over the years, I have known many women who have worked hard for low pay in domestic jobs. They struggled to support their children and often managed, through great effort and self-denial, to save a little so that their children could have a better future. They are very often minority women, already among the most vulnerable in our society.

These are people who do not get their names in the paper, and until recently, they have been unrepresented in Congress. H.R. 4278 changes all of that.

H.R. 4278 will provide Social Security coverage for these household workers and will give them the security and peace of mind that most workers in this country take for granted.

I strongly urge my colleagues to support this bill.

Mr. Speaker, I want to recognize and thank the chairman of the House Ways and Means Committee, Representative DANNY ROSTENKOWSKI, and the chairman of the Senate Finance Committee, Senator MOYNIHAN, for their sensitivity to the plight of domestic workers and the key roles they have played in moving this legislations forward.

I would also like to thank the distinguished chairman of the subcommittee on Social Security, Mr. JACOBS, for his leadership on this issue, as well as my friends and colleagues, Representative BARBARA KENNELLY of Connecticut and Representative AMO HOUGHTON of New York, who have worked so hard in keeping this issue on the national agenda and getting us to where we are today.

Mr. BEREUTER. Mr. Speaker, the correction of the so-called nanny tax problem, included in the Social Security Act Amendments of 1994, may be made at the expense of a very large number of domestic workers—many of them women who have worked their entire lives for multiple employers at very low wages.

The provision in the Social Security Act regarding domestic employees is intended to protect hundreds of thousands of domestic workers and their families. These men and women, many of whom work for a number of different employers at low wages, may find themselves ineligible for Social Security benefits after a lifetime of work if their employers are not paying Social Security taxes on their behalf. This Member's concern about H.R. 4278 is based on his concern about hurting these part-time domestic workers. This Member would hope that the conference committee will accept the lower threshold that is included in the legislation passed by the other body.

Indeed, there is a case to be made for a slight increase in the threshold at which the tax is applied. Certainly it was not intended to cover part-time teenage baby sitters or young people who mow lawns on weekends, but it is important to protect the men and women who make their livings at domestic work. While some adjustment might be made, the level in this legislation exempts too many employers and too many part-time domestic workers from Social Security coverage.

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to support H.R. 4278 and its amendments to the Social Security Act.

This bill would stop the unconscionable practice of providing Social Security checks to the criminally insane while they're incarcerated in a psychiatric facility or prison.

You may find it hard to believe that individuals who commit some of society's most heinous crimes are entitled to collect a monthly Social Security check if they were found not guilty of a crime by reason of insanity. But it's true.

Not only is this an outrage to all hard-working, law-abiding citizen, it poses a real danger to the public safety.

In my home State of New Jersey, Herbert Ollson was confined to a State psychiatric facility after brutally stabbing his parents. While incarcerated, he collected over $9,000 in Social Security checks. Ollson used that money to entice two friends to help him escape. For 5 days, this extremely dangerous individual lived the high life, using taxpayer money to buy illegal drugs, before he was captured.

This case is not an isolated incident.

The bill before us would put an end to this scandalous and dangerous practice. I urge my colleagues to support it.

Mr. BUNNING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JACOBS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 4278.

The question was taken.

Mr. JACOBS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

JOHN MINOR WISDOM U.S. COURTHOUSE

Mr. MINETA. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2868), to designate the Federal building located at 600 Camp Street in New Orleans, LA, as the "John Minor Wisdom United States Courthouse."

The Clerk read as follows:

Senate amendments:

Page 1, line 6, strike out "Courthouse" and insert "Court of Appeals Building".

Page 2, line 6, strike out "Courthouse" and insert "Court of Appeals Building".

Amend the title so as to read: "An Act to designate the Federal building located at 600 Camp Street in New Orleans, LA, as the 'John Minor Wisdom United States Court of Appeals Building', and for other purposes.".

The SPEAKER pro tempore (Mrs. KENNELLY). Pursuant to the rule, the gentleman from California [Mr. MINETA] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MINETA].

Mr. MINETA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of the Senate-passed version of H.R. 2868, a bill to designate a Federal building located at 600 Camp Street in New Orleans, LA, as the "John Minor Wisdom United States Court of Appeals Building." Mr. Speaker, this bill is virtually the same bill that passed the House on November 15, 1993, with a technical change by the Senate regarding the designation of the courthouse.

Madam Speaker, John Minor Wisdom was born in New Orleans, LA, on May 17, 1905. He graduated from Tulane Law School and was admitted to the Louisiana bar in 1929. He practiced law at a firm for 28 years. From 1942 to 1946, he served in the U.S. Army as a lieutenant colonel.

In 1957, he was nominated for appointment to the Fifth Circuit of the U.S. Court of Appeals by President Dwight D. Eisenhower and in 1977 received senior status.

Judge Wisdom is well know as an advocate for civil rights. He is credited with distinguished opinions in a number of landmark cases dealing with desegregation and discrimination, such as the case of the United States versus Jefferson County Board of Education, which used affirmative action to desegregate schools. In the case of United Papermakers versus United States, Judge Wisdom wrote the "rightful place" theory which prohibited the awarding of future jobs based on a seniority system which locked in race discrimination.

Currently, Judge Wisdom still presides as senior judge at the Fifth Circuit, U.S. Court of Appeals and the presiding judge of the special court for the

Regional Rail Reorganization Act of 1973.

Madam Speaker, it is appropriate to honor this great American jurist, by designating the Federal Building located at 600 Camp Street in New Orleans, LA, as the "John Minor Wisdom United States Court of Appeals Building."

Finally, Judge Wisdom will be 89 years old on May 17 and this would be a fitting birthday tribute.

Madam Speaker, I want to commend the distinguished gentleman from Louisiana [Mr. JEFFERSON] for introducing this important piece of legislation, and the subcommittee for moving the bill expeditiously.

Madam Speaker, I urge an "aye" vote on concurring in the Senate amendment.

Madam Speaker, I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we are about to complete final passage of a splendid tribute to one of this country's most distinguished judges, John Minor Wisdom, who will celebrate the beginning of his 90th year next Tuesday, May 17.

The designation of the U.S. Court of Appeals for the Fifth Circuit in New Orleans as the "John Minor Wisdom United States Court of Appeals Building" will serve as a continuing reminder of the extraordinary contribution John Minor Wisdom has made to this court and the U.S. legal system in his 65 years as lawyer and judge.

We noted on initial passage of this legislation the great debt that we owe to Judge Wisdom for his 37 years of service on the fifth circuit. Our legal system has been enriched by his participation in the judicial process. Through his love of liberty and his country, he has demonstrated a high morality to his fellow citizens.

Judge Wisdom has helped set a remarkable standard for the American judiciary that will be an inspiration for the generations ahead. He has become well known for the "Wisdom opinion" which seeks to place almost every case—whatever its significance—in its broad legal and historical context.

His respect for history has made every Wisdom opinion part of a continuing series of lessons in American history—and I should say the history of his beloved State of Louisiana and the other States in the fifth circuit—over the years.

I have known Judge Wisdom personally for nearly 30 years and have often said that no judge better deserved his name—"Wisdom." When I first visited the judge, his wonderful wife, Bonnie, and their three children in New Orleans in 1966, he had already established a reputation, together with several of his fifth circuit colleagues, as a leading protector of the Constitution and congressional will in the implementation of voting rights, school desegregation, and access to public accommodations throughout the South.

As we said last fall, the naming of the first circuit courthouse in honor of Judge Wisdom will not just recall the name of one of this country's most distinguished citizens, it will also serve as a constant reminder for generations to come of that extraordinary body of wisdom—well over 1,000 carefully crafted opinions—produced by one of our country's greatest minds and moral forces.

I am honored to participate in the passage of legislation that authorizes this action.

□ 1240

Madam Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Madam Speaker, I am pleased to rise in support of H.R. 2868, a bill to name the U.S. Court of Appeals building in New Orleans, after Judge John Minor Wisdom.

Judge Wisdom, a native and resident of New Orleans, is married to the lovely Bonnie Stewart Mathews, and they have three children, John, Jr., Kathleen Scribner, and Penelope Tose. Although he took senior status on the court in 1977, he is still very active, and throughout his career, he has served America as an outstanding jurist.

[From the CONGRESSIONAL RECORD, Nov. 15, 1993]

JOHN MINOR WISDOM—VITA

John Wisdom received his A.B. in 1925 from Washington & Lee University and his LL.B. in 1929 from Tulane Law School. He practiced law in New Orleans from 1929 to 1967. From 1938 to 1967 he also taught law at Tulane. During World War II he served in the Army Air Force and attained the rank of Lieutenant Colonel. From 1964 to to 1967 he was a member of the President's Commission on [Anti-Discrimination in] Government Contracts.

Judge Wisdom has served as a member of the Judicial Panel on Multi-District Litigation (1966–79), and as the panel's chairman (1975–79). He has served on the Advisory Committee on Appellate Rules and on the Special Court organized under the Regional Rail Reorganization Act of 1973. He has been a member of the American Law Institute for over forty years, and is a member (emeritus) of the council.

Honorary degrees include LL.D.s from Oberlin College (1963); Tulane University (1976); San Diego University (1979); Haverford College (1982); Middlebury College (1987); Harvard University (1987) . He received the first Louisiana Bar Foundation Distinguished Jurist Award (1986) and the Tulane Distinguished Alumnus Award (1989).

In his thirty-one years on the bench he has participated in the decisions of more than 4,600 cases, signed over 960 published majority opinions and written unnumbered per curiams and unpublished opinions. In addition, he has written stirring dissents which have persuaded the Supreme Court to grant writs and to reverse.

Judge Wisdom's opinions create an intellectual structure for the law, and speak to the deepest issues with learning, eloquence, technical virtuosity and passion. Ambitious in length and scope, impressive in the compilation of authorities, deft in wit and imagery, his opinions have often been the source of ideas—even language—for United States Supreme Court opinions.

Many of his opinions helped to define civil rights law across the United States.

United States v. Louisiana (1965) which approved the freezing principle suspending state voters' registration law; and affirmed the duty of federal courts to protect federally created or federally guaranteed rights.

United States v. Jefferson County Board of Education (1967) which was the landmark case using affirmative action to desegregate schools "lock, stock, and barrel."

Meredith v. Fair (1962) which desegregated the University of Mississippi.

United States v. City of Jackson (1963) which desegregated bus and railroad terminals in Jackson, Mississippi.

Dombrouski v. Pfister (1965) where the Supreme Court upheld his dissent which would enjoin the State of Louisiana from using the legislature and judiciary to harass civil rights leaders by unwarranted prosecution.

Local 189, United Papermakers and Paperworkers v. United States (1976) which was the landmark case that adopted the "rightful place" theory and that prohibited awarding jobs based on a seniority system with locked-in race discrimination.

Judge Wisdom's expertise is not relegated only to civil rights and the judicial system. He has also written landmark opinions in such fields as admiralty, evidence, labor law, antitrust, and the Louisiana Civil Code.

Two decades ago Times Magazine said of him:

He is equally at home in archaeology, Greek tragedy and Louisiana civil law . . . (He) is one of the best (and most painstaking) opinion writers on any U.S. bench.

In the midst of his astounding workload, Judge Wisdom found time to show an interest in the people that worked for him. Charles S. Treat echoes the sentiment of many who nominated Judge Wisdom:

On a personal level, Judge Wisdom is the epitome of a Southern gentleman. He is a surrogate grandfather to my generation of clerks, taking a genuine and continuing interest in the lives, families, and careers of his judicial family. His extensive list of former clerks is virtually a nationwide legal fraternity, drawn together by our mutual and deep respect for the Judge and love for the man.

Mr. TRAFICANT. Mr. Speaker, courage, compassion, intelligence, and sincerity are just a few of the adjectives which can be used to describe Judge John Minor Wisdom. Judge Wisdom is currently a senior judge with an active docket. During his long, outstanding career Judge Wisdom has participated in numerous landmark legal decisions such as Meredith versus Fair. This historic decision desegregated the University of Mississippi; a decision that has benefitted our whole society. It is truly fitting to honor Judge John Minor Wisdom and his invaluable contributions to judicial proceedings by designating the U.S. courthouse at 600 Camp Street as the John Minor Wisdom United States Court of Appeals Building.

Mr. PETRI. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MINETA. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. KENNELLY). The question is on the motion offered by the gentleman from California [Mr. MINETA] that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2868.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MINETA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2868.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

JOHN F. KENNEDY CENTER ACT AMENDMENTS OF 1994

Mr. MINETA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3567) to amend the John F. Kennedy Center Act to transfer operating responsibilities to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "John F. Kennedy Center Act Amendments of 1994".

SEC. 2. FINDINGS, BUREAU, BOARD OF TRUSTEES, AND ADVISORY COMMITTEE.

(a) FINDINGS.—Section 1 of the John F. Kennedy Center Act (20 U.S.C. 76h note) is amended—

(1) by striking "SECTION 1." and inserting the following:

"SECTION 1. SHORT TITLE AND FINDINGS.

"(a) SHORT TITLE.—"; and

(2) by adding at the end the following:

"(b) FINDINGS.—Congress finds that—

"(1) the late John Fitzgerald Kennedy served with distinction as President of the United States and as a Member of the Senate and the House of Representatives;

"(2) by the untimely death of John Fitzgerald Kennedy this Nation and the world have suffered a great loss;

"(3) the late John Fitzgerald Kennedy was particularly devoted to education and cultural understanding and the advancement of the performing arts;

"(4) it is fitting and proper that a living institution of the performing arts, designated as the National Center for the Performing Arts, named in the memory and honor of this great leader, shall serve as the sole national monument to his memory within the District of Columbia and its environs;

"(5) such a living memorial serves all of the people of the United States by preserving, fostering, and transmitting the performing arts traditions of the people of this Nation and other countries by producing and presenting music, opera, theater, dance, and other performing arts; and

"(6) such a living memorial should be housed in the John F. Kennedy Center for the Performing Arts, located in the District of Columbia.".

(b) EX OFFICIO TRUSTEES.—

(1) IN GENERAL.—Section 2 of such Act (20 U.S.C. 76h) is amended—

(A) by striking the section heading and all that follows before "There is hereby" and inserting the following:

"SEC. 2. BOARD OF TRUSTEES.

"(a) ESTABLISHMENT.—";

(B) in the first sentence by inserting "as the National Center for the Performing Arts, a living memorial to John Fitzgerald Kennedy," after "thereof";

(C) in the second sentence by striking "Chairman of the District of Columbia Recreation Board" and inserting "Superintendent of Schools of the District of Columbia"; and

(D) in the second sentence by striking "three Members of the Senate" and all that follows before "ex officio" and inserting "the chairman and ranking minority member of the Committee on Public Works and Transportation of the House of Representatives and 3 additional Members of the House of Representatives appointed by the Speaker of the House of Representatives, and the chairman and ranking minority member of the Committee on Environment and Public Works of the Senate and 3 additional Members of the Senate appointed by the President of the Senate".

(2) EFFECTIVE DATES.—

(A) SUPERINTENDENT OF SCHOOLS OF THE DISTRICT OF COLUMBIA.—The amendment made by paragraph (1)(C) shall take effect on the date of expiration of the term of the Chairman of the District of Columbia Recreation Board serving as a trustee of the John F. Kennedy Center for the Performing Arts on the date of the enactment of this Act.

(B) MEMBERS OF CONGRESS.—The amendment made by paragraph (1)(D) shall take effect on the date of the enactment of this Act.

(c) GENERAL TRUSTEES.—Section 2(b) of such Act is amended to read as follows:

"(b) GENERAL TRUSTEES.—The general trustees shall be appointed by the President of the United States and each such trustee shall hold office as a member of the Board for a term of 6 years, except that—

"(1) any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term;

"(2) a member shall continue to serve until such member's successor has been appointed; and

"(3) the term of office of a member appointed before the date of the enactment of the John F. Kennedy Center Act Amendments of 1994 shall expire as designated at the time of appointment.".

(d) ADVISORY COMMITTEE ON THE ARTS.—Section 2(c) of such Act is amended—

(1) by inserting "ADVISORY COMMITTEE ON THE ARTS.—" before "There shall be";

(2) in the first sentence by inserting "of the United States" after "President" the first place it appears;

(3) in the fifth sentence by striking "cultural activities to be carried on in" and inserting "cultural activities to be carried out by"; and

(4) in the last sentence by striking all that follows "compensation" and inserting a period.

SEC. 3. DUTIES OF THE BOARD.

Section 4 of the John F. Kennedy Center Act (20 U.S.C. 76j) is amended by striking the section heading and all that follows through the period at the end of subsection (a) and inserting the following:

"SEC. 4. DUTIES OF THE BOARD.

"(a) PROGRAMS, ACTIVITIES, AND GOALS.—

"(1) IN GENERAL.—The Board shall—

"(A) present classical and contemporary music, opera, drama, dance, and other performing arts from the United States and other countries;

"(B) promote and maintain the John F. Kennedy Center for the Performing Arts as the National Center for the Performing Arts—

"(i) by developing and maintaining a leadership role in national performing arts education policy and programs, including developing and presenting original and innovative performing arts and educational programs for children, youth, families, adults, and educators designed specifically to foster an appreciation and understanding of the performing arts;

"(ii) by developing and maintaining a comprehensive and broad program for national and community outreach, including establishing model programs for adaptation by other presenting and educational institutions; and

"(iii) by conducting joint initiatives with the national education and outreach programs of the Very Special Arts, an entity affiliated with the John F. Kennedy Center for the Performing Arts which has an established program for the identification, development, and implementation of model programs and projects in the arts for disabled individuals;

"(C) strive to ensure that the education and outreach programs and policies of the John F. Kennedy Center for the Performing Arts meet the highest level of excellence and reflect the cultural diversity of the Nation;

"(D) provide facilities for other civic activities at the John F. Kennedy Center for the Performing Arts;

"(E) provide within the John F. Kennedy Center for the Performing Arts a suitable memorial in honor of the late President;

"(F) develop, and update annually, a comprehensive building needs plan for the existing features of the John F. Kennedy Center for the Performing Arts;

"(G) plan, design, and construct all capital projects at the John F. Kennedy Center for the Performing Arts; and

"(H) provide information and interpretation; all maintenance, repair, and alteration of the building of the John F. Kennedy Center for the Performing Arts; and janitorial, security, and all other services necessary for operating the building and site of the John F. Kennedy Center for the Performing Arts.

"(2) ADMINISTRATIVE POWERS AND DUTIES.—

"(A) AUTHORITY TO ENTER INTO CONTRACTS.—The Board, in accordance with applicable law, may enter into contracts or other arrangements with, and make payments to, public agencies or private organizations or persons in order to carry out the Board's functions under this Act. Such authority includes utilizing the services and facilities of other agencies, including the Department of the Interior, the General Services Administration, and the Smithsonian Institution.

"(B) PREPARATION OF BUDGET.—The Board shall prepare a budget pursuant to sections 1104, 1105(a), and 1513(b) of title 31, United States Code.

"(C) USE OF AGENCY PERSONNEL.—The Board may utilize or employ the services of

the personnel of any agency or instrumentality of the Federal Government or the District of Columbia, with the consent of the agency or the instrumentality concerned, upon a reimbursable basis, and utilize voluntary and uncompensated personnel.

"(D) SELECTION OF CONTRACTORS.—In carrying out its duties under this Act, the Board may negotiate any contract for an environmental system for, a protection system for, or a repair to, maintenance of, or restoration of the John F. Kennedy Center for the Performing Arts with selected contractors and award the contract on the basis of contractor qualifications as well as price.

"(E) MAINTENANCE OF HALLS.—The Board shall maintain the Hall of Nations, the Hall of States, and the Grand Foyer of the John F. Kennedy Center for the Performing Arts in a manner that is suitable to a national performing arts center that is operated as a Presidential memorial and in a manner consistent with other national Presidential memorials.

"(F) MAINTENANCE OF GROUNDS.—The Board shall manage and operate the grounds of the John F. Kennedy Center for the Performing Arts in a manner consistent with National Park Service regulations and agreements in effect on the date of enactment of the John F. Kennedy Center Act Amendments of 1994. No change in the management and operation of such grounds may be made without the express approval of the Secretary of the Interior and of the Congress.".

SEC. 4. OFFICERS AND EMPLOYEES; REVIEW OF BOARD ACTIONS.

(a) SOLICITATION AND ACCEPTANCE OF GIFTS.—Section 5 of the John F. Kennedy Center Act (20 U.S.C. 76k) is amended—

(1) by striking the section heading and all that follows before "The Board is" and inserting the following:

"SEC. 5. POWERS OF THE BOARD.

"(a) SOLICITATION AND ACCEPTANCE OF GIFTS.—"; and

(2) in subsection (a) by striking "Smithsonian Institution" and inserting "John F. Kennedy Center for the Performing Arts, as a bureau of the Smithsonian Institution,".

(b) APPOINTMENT OF OFFICERS AND EMPLOYEES.—Section 5(b) of such Act is amended to read as follows:

"(b) APPOINTMENT OF OFFICERS AND EMPLOYEES.—

"(1) CHAIRPERSON AND SECRETARY.—The Board shall appoint and fix the compensation and duties of a Chairperson of the John F. Kennedy Center for the Performing Arts, who shall serve as the chief executive officer of the Center, and a Secretary of the John F. Kennedy Center for the Performing Arts. The Chairperson and Secretary shall be well qualified by experience and training to perform the duties of their offices.

"(2) SENIOR LEVEL EXECUTIVE AND OTHER EMPLOYEES.—The Chairperson of the John F. Kennedy Center for the Performing Arts may appoint—

"(A) a senior level executive who, by virtue of the individual's background, shall be well suited to be responsible for facilities management and services and who may, without regard to the provisions of title 5, United States Code, be appointed and compensated with appropriated funds, except that such compensation may not exceed the maximum rate of pay for level IV of the Executive Schedule; and

"(B) such other officers and employees of the John F. Kennedy Center for the Performing Arts as may be necessary for the efficient administration of the functions of the Board.".

(c) TRANSFERS; REVIEW OF BOARD ACTIONS.—Section 5 of such Act is amended by striking subsection (c) and inserting the following:

"(c) TRANSFER OF PROPERTY.—Not later than October 1, 1995, such property, liabilities, contracts, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions transferred from the Secretary of the Interior pursuant to the amendments made by the John F. Kennedy Center Act Amendments of 1994 shall be transferred, subject to section 1531 of title 31, United States Code, to the Board as the Board and the Secretary of the Interior may determine appropriate. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which, and subject to the terms under which, the funds were originally authorized and appropriated.

"(d) TRANSFER OF PERSONNEL.—

"(1) IN GENERAL.—Employees of the National Park Service assigned to duties related to those functions being undertaken by the Board shall be transferred with their functions to the Board not later than October 1, 1995.

"(2) RIGHTS AND BENEFITS.—Transferred employees shall remain in the Federal competitive service retaining all rights and benefits provided under title 5, United States Code. For a period of not less than 3 years, transferred employees shall retain the right of priority consideration under merit promotion procedures or lateral reassignment for all vacancies within the Department of the Interior.

"(3) PARK POLICE.—All United States Park Police and Park Police guard force employees assigned to the John F. Kennedy Center for the Performing Arts shall remain employees of the National Park Service.

"(4) COSTS.—All usual and customary costs associated with any adverse action or grievance proceeding resulting from the transfer of functions under this section that are incurred before October 1, 1995, shall be paid from amounts appropriated to the John F. Kennedy Center for the Performing Arts.

"(5) REORGANIZATION AUTHORITY.—Nothing contained in this section shall be deemed to prohibit the Board from reorganizing functions at the John F. Kennedy Center for the Performing Arts in accordance with laws governing such reorganizations.

"(e) REVIEW OF BOARD ACTIONS.—The actions of the Board relating to performing arts and to payments made or directed to be made by the Board from any trust funds shall not be subject to review by any officer or agency other than a court of law.".

SEC. 5. REVIEWS, AUDITS, AND CLAIMS.

Section 6 of the John F. Kennedy Center Act (20 U.S.C. 761) is amended—

(1) in subsection (c) by striking "its" and inserting "the Board's"; and

(2) by striking subsections (e) and (f) and inserting the following:

"(d) AUDIT OF ACCOUNTS.—At least once every 3 years, the Comptroller General shall review and audit the accounts of the John F. Kennedy Center for the Performing Arts for the purpose of examining expenditures of funds appropriated under authority provided by this Act.

"(e) INSPECTOR GENERAL.—The functions of the Board funded by amounts appropriated pursuant to section 12 of this Act shall be subject to the requirements of the Inspector General Act of 1978. The Inspector General of the Smithsonian Institution is authorized to carry out the requirements of such Act on behalf of the Board on a reimbursable basis.

"(f) PROPERTY AND PERSONNEL COMPENSATION.—

"(1) IN GENERAL.—The Board may procure insurance against any loss in connection with the property of the Board and other assets administered by the Board. The Board's employees and volunteers shall be deemed civil employees of the United States within the meaning of the term 'employee' as defined in section 8101 of title 5, United States Code; except that the Board shall continue to provide benefits with respect to any disability or death resulting from a personal injury to a nonappropriated fund employee of the Board sustained while in the performance of the employee's duties for the Board pursuant to the workers compensation statute of the jurisdiction in which the John F. Kennedy Center for the Performing Arts is located. Such disability or death benefits, whether under such workers compensation statute or chapter 81 of title 5, United States Code, shall continue to be the exclusive liability of the Board and the United States with respect to all employees and volunteers of the Board.

"(2) FEDERAL TORT CLAIMS.—Notwithstanding paragraph (1), no employee of the Board may bring suit against the United States under the Federal tort claims procedure of chapter 171 of title 28, United States Code, for disability or death resulting from personal injury sustained while in the performance of the employee's duties for the Board.

"(g) SETTLEMENTS, AWARDS, AND JUDGMENTS.—Any settlement, award, or judgment made or entered into pursuant to chapter 171 of title 28, United States Code, arising from any act or omission of an employee of the Board in the performance of a nonappropriated fund activity shall be paid only from funds available to the Board for its performing arts activities.".

SEC. 6. TECHNICAL AMENDMENTS.

Section 10 of the John F. Kennedy Center Act (20 U.S.C. 76p) is amended—

(1) by striking "he" and inserting "the Secretary"; and

(2) by striking "his" and inserting "the Secretary's".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

The John F. Kennedy Center Act (20 U.S.C. 76h–76q) is amended by adding at the end the following:

"SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

"(a) MAINTENANCE, REPAIR, AND SECURITY.—There is authorized to be appropriated to the Board $12,000,000 per fiscal year for each of fiscal years 1995 through 1999 to carry out subparagraph (H) of section 4(a)(1).

"(b) CAPITAL PROJECTS.—There is authorized to be appropriated to the Board $9,000,000 per fiscal year for each of fiscal years 1995 through 1999 to carry out subparagraphs (F) and (G) of section 4(a)(1).

"(c) LIMITATION ON USE OF FUNDS.—No funds appropriated pursuant to this section may be used for the direct expenses incurred in the production of performing arts attractions, or for personnel who are involved in performing arts administration (including supplies and equipment used by such personnel), or for production, staging, public relations, marketing, fundraising, ticket sales, and education. However, funds appropriated directly to the Board shall not affect nor diminish other Federal funds sought for performing arts functions and may be used to reimburse the Board for that portion of costs that are Federal costs reasonably allocated to building services and theater maintenance and repairs.".

SEC. 8. DEFINITIONS.

The John F. Kennedy Center Act (20 U.S.C. 76h–76q) is amended by adding at the end the following:

"SEC. 13. DEFINITIONS.

"For the purposes of this Act, the following definitions apply:

"(1) CAPITAL PROJECTS.—The term 'capital projects' means capital repairs, replacements, improvements, rehabilitations, alterations, and modifications to the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, including the theaters, garage, plaza, and building walkways.

"(2) MAINTENANCE, REPAIR, AND SECURITY SERVICES.—The term 'maintenance, repair, and security services' means all services and equipment necessary to maintain and operate the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, including the theater, garage, plaza, and building walkways in a manner consistent with requirements for high quality operations.

"(3) BUILDING AND SITE OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.—The terms 'building and site of the John F. Kennedy Center for the Performing Arts' and 'grounds of the John F. Kennedy Center for the Performing Arts' mean the site in the District of Columbia on which the John F. Kennedy Center building is constructed and which extends to the line of the west face of the west retaining walls and curbs of the Inner Loop Freeway on the east, the north face of the north retaining walls and curbs of the Theodore Roosevelt Bridge approaches on the south, the east face of the east retaining walls and curbs of Rock Creek Parkway on the west, and the south curbs of New Hampshire Avenue and F Street on the north, as generally depicted on the map entitled 'Transfer of John F. Kennedy Center for the Performing Arts', numbered 844/82563, and dated April 20, 1994, which shall be on file and available for public inspection in the office of the National Capital Region, National Park Service, Department of the Interior.".

SEC. 9. RULES AND REGULATIONS.

(a) AUTHORITY TO PRESCRIBE.—Section 5(a) of the Act of October 24, 1951 (40 U.S.C. 193r) is amended—

(1) by striking "Institution and" and inserting "Institution,"; and

(2) by inserting ", and the Trustees of the John F. Kennedy Center for the Performing Arts," after "National Gallery of Art".

(b) AUTHORITY TO SUSPEND.—Section 8 of such Act (40 U.S.C. 193u) is amended by striking "the Secretary of the Smithsonian Institution or the Trustees of the National Gallery of Art or" each place it appears and inserting "the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, the Trustees of the John F. Kennedy Center for the Performing Arts, or".

(c) BUILDINGS AND GROUNDS DEFINED.—Section 9 of such Act (40 U.S.C. 193v) is amended by adding at the end the following:

"(3) The site of the John F. Kennedy Center for the Performing Arts, which shall be held to extend to the line of the west face of the west retaining walls and curbs of the Inner Loop Freeway on the east, the north face of the north retaining walls and curbs of the Theodore Roosevelt Bridge approaches on the south, the east face of the east retaining walls and curbs of Rock Creek Parkway on the west, and the south curbs of New Hampshire Avenue and F Street on the north, as generally depicted on the map entitled 'Transfer of John F. Kennedy Center for the Performing Arts', numbered 844/82563, and dated April 20, 1994, which shall be on file and available for public inspection in the office of the National Capital Region, National Park Service, Department of the Interior.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MINETA] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MINETA].

Mr. MINETA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 3567, the John F. Kennedy Center Act Amendments of 1994, as amended. Today is indeed a historic occasion as this bill, by making significant changes to the John F. Kennedy Center Act, gives the Kennedy Center, for the first time, full responsibility for its own activities.

First of all, Madam Speaker, I want to commend the gentleman from Ohio, the subcommittee chairman on Public Buildings and Grounds, Mr. TRAFICANT, and the subcommittee's ranking Republican member, Mr. DUNCAN, for their fine leadership on this important measure. I would also like to recognize and thank the Committee on Natural Resources' Chairman GEORGE MILLER, ranking Republican DON YOUNG, Chairman BRUCE VENTO, ranking Republican member JAMES HANSEN of their Subcommittee on National Parks, Forests, and Public Lands and their staffs for their cooperation and hard work on this measure. I am pleased that this bill enjoys such broad bipartisan support. It is truly a visionary piece of legislation.

H.R. 3567, the John F. Kennedy Center Act Amendments of 1994, as amended, represents months of sustained effort, coordination and hard work by both the Kennedy Center, primarily Mr. James Wolfensohn, chairman of the board at the John F. Kennedy Center for the Performing Arts, and his staff, and the Department of Interior, specifically Secretary Babbitt and the representatives from the National Park Service. They all deserve our praise and thanks.

The Kennedy Center, like the Smithsonian Institution and its other bureaus, is a unique trust instrumentality of the United States.

The original act establishes the Kennedy Center not only as a cultural arts center, but also charges it with the responsibility of administering a living memorial to President John F. Kennedy. Finally, it has a mandated mission to serve both the local and national community.

Currently, the management of operations and maintenance of the Kennedy Center is shared between the Center's Board of Trustees and the National Park Service of the Department of Interior. Over the past 23 years since the building was constructed there have been several serious building defects and maintenance problems. The Kennedy Center Board and the Park Service have tried to share responsibility for the nonperforming arts aspects of the Kennedy Center's operations. Unfortunately, this shared approach has not been as successful as both would have hoped.

This bill, as amended, addresses this fundamental issue by giving the Kennedy Center sole responsibility for its building and site. As such, the Center will receive directly the general fund appropriations necessary to fulfill its new responsibilities. Currently, the nonperforming arts functions of the Center are funded by appropriations to the Park Service.

With the passage of this historic bill, the Kennedy Center management will for the first time enjoy both the responsibility and accountability for its building, theaters, and its performing arts and education activities. But with the responsibility also comes the opportunity to set a vision for the future. The current Kennedy Center management welcomes its new challenge and we are proud to have helped frame its mandate.

Madam Speaker, this legislation affirms once again the fundamental mission of the Nation's living memorial to President Kennedy, and I strongly urge its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to rise in support of H.R. 3567. This legislation will allow the Kennedy Center Board of Directors to have direct control of the financial resources necessary to maintain the Center.

My support for this legislation has been generated by the outstanding leadership which the chairman of the board of the Kennedy Center, Mr. James Wolfensohn, has brought to the Center's activities.

Mr. Wolfensohn is a shining example of a highly successful businessman who has combined tax dollars with private dollars to fund a Federal program. In fact, thanks to the respect with which Mr. Wolfensohn is held by his many friends in the United States and overseas, he has been able to raise $71,265,000 from private sources to support the programs of the Kennedy Center.

I appreciate Mr. Wolfensohn's willingness to not only seek direct control of the funding to maintain the Kennedy Center, but his willingness to be accountable for maximizing the use of the funds. An attribute rarely found in government these days.

The Kennedy Center has established an outstanding education program

thanks to the efforts of Mr. Wolfensohn. This program serves thousands of children, their parents, and teachers in every State.

We are fortunate to have Jim Wolfensohn, who commands the respect of the National and International Performing Arts Community, as the chairman of the Board of Directors of the Kennedy Center.

I am pleased to join the chairman of the Public Buildings and Grounds Subcommittee, Congressman JIM TRAFICANT and the subcommittee's ranking Republican, Congressman JIMMY DUNCAN, who has played a key role in the bipartisan drafting of this legislation, in recommending House approval of H.R. 3567.

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Madam Speaker, I have no requests for additional time, and I yield back the balance of my time.

Mr. MINETA. Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO], the very distinguished chairman of the Subcommittee on National Parks, Forests, and Public Lands of the Committee on Natural Resources, and I take this opportunity to thank him again for his hard work and cooperation on this measure.

Mr. VENTO. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, H.R. 3567, the John F. Kennedy Center Act Amendments of 1994, provides for a five-year authorization for maintenance, repair, and capital projects at the John F. Kennedy Center for the Performing Arts in the District of Columbia. The legislation, as introduced, also transfers all current National Park Service responsibilities and personnel to the Kennedy Center Board of Trustees. The Center will function in the future as a Bureau of the Smithsonian Institution, and funding for nonperforming arts purposes will be provided through an appropriation directly to the Board of Trustees.

H.R. 3567 was favorably reported to the House of Representatives by the Committee on Public Works and Transportation on March 24, 1994, and subsequently was referred to the Committee on Natural Resources through April 29, 1994. Since the committee was unable to meet on April 27 because of the Nixon funeral, the referral was extended through May 6. The Committee on Natural Resources reported the bill favorably to the House of Representatives on May 4, 1994.

At this point, I would like to take the opportunity to commend the hard work of my colleagues on the Public Works Committee. I appreciate their commitment to developing appropriate legislation while remaining sensitive to the concerns of the Natural Resources Committee and of the National Park Service. The legislation before us today is the product of many discussions among the agencies and the committees, and I believe it accomplishes the goals of all parties while protecting all interests. I thank the members of the Public Works Committee for agreeing to work with this committee and for their patience during the entire process.

The John F. Kennedy Center for the Performing Arts is an existing unit of the National Park System and for 20 years the National Park Service has been, by law, responsible for the nonperforming arts functions of the Center. The relationship between the National Park Service and the Kennedy Center Board of Trustees has been ambiguous at best. The Kennedy Center now requires approximately $100 million worth of repairs and capital improvements, and the need for clarification of the respective responsibilities has become critical. Both the National Park Service and the Kennedy Center have agreed that a complete separation of the National Park Service from the Center is the most appropriate resolution to the problems now facing the Center.

While I am an original cosponsor of the bill, and believe that the Kennedy Center Board of Trustees is the appropriate entity to manage the building, I had some concerns about certain provisions which are addressed in the amendment in the nature of a substitute approved by the Committee on Natural Resources and which is before the House today.

First, the committee amendment provides that the Board of Trustees will provide for the Center's management in a manner consistent with other national Presidential memorials. By law, and under this legislation, the Center will remain a memorial to the last President. I believe we must have a clearly enunciated policy to ensure that the Center meets the high standard fitting a national memorial.

Second, the amendment specifies that the grounds must be managed consistent with current National Park Service regulations and agreements. While I agree that the separation of powers is necessary and a positive step in accomplishing the required renovations, I remain concerned about the impact on surrounding National Park Service property. Because of the Kennedy Center's location amid heavily used and fragile National Park resources, I believe there should be continuity and consistency in the management of the grounds. The committee amendment requires the Kennedy Center to continue to manage the grounds according to current National Park Service regulations and agreements; any changes in such management must be approved by the Secretary and enacted by Congress. This amendment ensures the appropriate maintenance of both the building and the grounds while protecting the National Park Service interest in the surrounding property and open space.

Finally, the amendment references a map which delineates the boundaries of the John F. Kennedy Center for the Performing Arts, which upon enactment would be under the jurisdiction of the Board of Trustees.

These changes were agreed to by the Kennedy Center Board of Trustees, the National Park Service, and the Committee on Public Works and Transportation. I believe the version we are bringing to the House today will enable much-needed improvements to be made to the Kennedy Center while protecting the interests of the National Park Service and I urge my colleagues' support.

Ms. NORTON. Madam Speaker, good afternoon and thank you, Madam Speaker. I rise today in support of H.R. 3567, a bill to amend the John F. Kennedy Center Act to transfer operating and capital improvement responsibilities from the National Park Service to the Board of Trustees of the John F. Kennedy Center for the Performing Arts. I want to thank NORMAN MINETA, chairman, of the Committee on Public Works and Transportation, and JAMES TRAFICANT, chairman of the Subcommittee on Public Buildings and Grounds for guiding this bill to passage.

This bill is truly exemplary of efforts to reinvent government. Recognizing the inefficacy over the years of dividing responsibility for the operations, maintenance, and capital repairs of the Kennedy Center, the Board of Trustees of the Kennedy Center and the National Park Service mutually agreed to centralize these responsibilities with the Center's Board of Trustees. The approach crafted in the bill will promote stability and allow the Board to develop and carry out a plan that will set the Kennedy Center on a healthy financial and structural path for the 21st century. It will also enable the National Park Service to dedicate scarce human and financial resources to protecting and conserving our natural environment.

In addition, the bill is an excellent example of public/private partnership. Mr. James Wolfensohn, chairman of the Kennedy Center since 1990, has brought his extraordinary talent and energy to this legislation. In an effort to prevent the Center's continued deterioration, Mr. Wolfensohn asked Congress for responsibility to maintain and improve the Center. At the same time, understanding that Federal budgets are severely constrained, he has relentlessly raised funds from private donors during a time when fewer are contributing to cultural institutions. I am confident that under his leadership the Board will work effectively, to establish a capital improvements program that will restore the fading luster of the Center's physical structure.

The Kennedy Center has established itself as a hallmark national cultural arts center and Presidential memorial. In its two decades of life, it has created an enviable record by presenting diverse and quality art performances to traditional patrons of the arts, as well as reaching out to segments in communities and the Nation that have had little exposure to the

arts. The Kennedy Center's new and innovative programs to educate our country's youth and to advance the arts nationwide replicate outstanding Kennedy Center programs already enjoyed by the residents of the District of Columbia. Most notable are the arts enterprise zone and cultural passport programs, which provide workshops, classes, and internships to disadvantaged students in the District, and professional development workshops to their teachers. This year, in collaboration with the renowned Dance Theatre of Harlem, the Kennedy Center has begun a new community initiative in the metropolitan Washington area. Classical ballet is introduced to students through lectures, demonstrations, workshops, training, and performances.

In the District, as in many States throughout the country, the Kennedy Center has created the unprecedented opportunity to make the arts a part of every child's education. H.R. 3567, by more fully delineating the Kennedy Center's educational purpose for its national programs, will enable the Kennedy Center to continue in this fine tradition of encouraging teachers, students, and their families to appreciate the importance of the visual and performing arts in the educational process and to share the experience of attending live performances.

Mr. TRAFICANT. Madam Speaker, the members of the Public Works and Transportation Committee offer their enthusiastic, bipartisan support for H.R. 3567, as amended. This bill will correct long-standing deficiencies in the management and operations of one of our Nation's most recognized and cherished buildings, the Presidential Memorial to John F. Kennedy.

Members of the committee have reviewed, analyzed, and critiqued the bifurcated management structure of the Kennedy Center, and in particular, the planning and management of its capital program. It became apparent that, in order to preserve an already substantial investment in this building, adjustments in the management structure were needed which would clearly place all management and operational responsibility and authority with the Board of the John F. Kennedy Center. This authority includes planning, designing, and constructing all capital projects at the Kennedy Center. The Center will retain its authority and responsibility for routine, daily maintenance. Having the ability to manage routine maintenance as well as planning and execution for capital improvements will most assuredly enhance the overall management and operation of this special institution.

The Center will continue in its leadership role in national performing arts programs for American citizens of all ages.

As always, the John F. Kennedy Center for the Performing Arts will be the national exemplar in performing arts activities and in educational programs in the arts for disabled individuals.

And, the John F. Kennedy Center for the Performing Arts will continue as the most prestigious memorial to President John F. Kennedy.

I wish to thank my chairman, NORM MINETA, for his support and guidance, Chairman BRUCE VENTO of the Natural Resources Committee for his cooperation, insight, and expeditious action on H.R. 3567, and finally, Congressman JOHN DUNCAN for lending his support for this bill.

As I have mentioned, this bill has broad bipartisan support at the subcommittee and full committee levels and I urge adoption of H.R. 3567.

Mr. MINETA. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. KENNELLY). The question is on the motion offered by the gentleman from California [Mr. MINETA] that the House suspend the rules and pass the bill, H.R. 3567, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MINETA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CLEAR CREEK COUNTY, CO, LAND TRANSFER

Mr. VENTO. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1134) to provide for the transfer of certain public lands located in Clear Creek County, CO, to the United States Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes.

The Clerk read as follows:

Senate amendments:

(1) Page 2, line 22, strike out [(1)] and insert: *(1) The boundaries of the Arapaho National Forest are hereby modified as shown on the map referred to in section 2.*

(2) Page 6, lines 16 and 17, strike out [section 202] and insert: *section 2*

(3) Page 8, line 21, strike out all after "(c))." down to and including "Act," in line 24 and insert: *Any lands so transferred shall be held by the recipient thereof under the same terms and conditions as if transferred by the United States under such Act,*

(4) Page 9, line 15, strike out [MINING] and insert: *MINERAL*

(5) Page 10, strike out all after line 6 over to and including line 5 on page 11 and insert: *(b) LIMITATION ON PATENT ISSUANCE.—Subject to valid existing rights, no patent shall be issued after the date of enactment of this Act for any mining or mill site claim located under the general mining laws within the public lands referred to in sections 4 and 5.*

(6) Page 11, line 10, strike out [title] and insert: *Act*

(7) Page 11, line 17, strike out [title] and insert: *Act*

(8) Page 11, line 19, strike out [title] and insert: *Act*

(9) Page 11, line 22, strike out [enactment of this Act] and insert: *their transfer to the ownership of another party*

(10) Page 11, strike out all after line 22, over to and including line 4 on page 12.

(11) Page 12, line 5, strike out [(d)] and insert: *(c)*

Amend the title so as to read: "An Act to provide for the transfer of certain public lands located in Clear Creek County, Colorado, to the Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the measure now before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1134 is a bill by the gentleman from Colorado [Mr. SKAGGS] that addresses the complicated land-ownership pattern in Clear Creek County, CO.

This area was the locale of some of the earliest discoveries of gold and silver in Colorado. As a result, the Federal lands in the county have been fragmented by extensive patenting of mining claims.

Some of the Federal lands in the county are now within the National Forest System. The remainder are under the jurisdiction of the Bureau of Land Management but, because of the fragmentation, are not readily manageable. As a result, BLM has proposed that they be added to the national forest or transferred out of Federal ownership.

The purpose of H.R. 1134 is to facilitate that process, by providing for the transfer of lands from BLM to the Forest Service, to the State of Colorado, to Clear Creek County, and to local governments.

The House passed the bill last year. The Senate has now returned it to us with a number of amendments. Most of those changes are minor technical corrections, but there is also one substantive amendment, dealing with the treatment of mining claims on the lands that would be transferred out of Federal ownership.

As passed by the House, the bill would have allowed mining claimants to proceed to patent their claims, subject to certain restrictions. The Senate instead provides that, subject to valid existing rights, no such patents will be issued.

Madam Speaker, this is an acceptable change, which we believe is entirely consistent with the policy choice made by the House on this matter. Accordingly, I am asking that the House concur in the Senate amendments and send the bill to the President for signature into law.

Madam Speaker, I want to congratulate the sponsor of the bill, Mr. SKAGGS, for his initiative and hard work on this matter that is of interest not only to his constituents in Clear Creek County but also to the National Government. Thanks to his leadership, the bill provides a workable solution to a thorny problem. I commend him for his creativity and urge the House to concur in the Senate amendment to the bill.

Madam Speaker, I reserve the balance of my time.

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of the Senate amendments to H.R. 1134. This legislation would streamline Federal land management by transferring isolated and fragmented tracts of public lands in Clear Creek County, CO, to the Forest Service, the State of Colorado, and several local governments.

The Bureau of Land Management in 1986 determined that title to surface rights in Clear Creek County, CO, ought to be transferred to other owners. This decision was made because Federal ownership is fragmented, making the area difficult and uneconomic for the BLM to manage. At the present time, much of this land cannot be used by the general public because of poor access and problems identifying the boundaries between public and private lands.

This legislation would legislatively dispose of these lands and prevent the expensive and time-consuming transfer incurred using the BLM's standard procedures. In fact, some estimate that the costs of surveys and other administrative expenses normally incurred with transfers and disposals like these might actually exceed the revenue generated if these lands were sold.

I urge my colleagues to support H.R. 1134 and put these Federal lands in the hands of those who are better able to manage them.

□ 1300

Mr. VENTO. Madam Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. SKAGGS] the principal architect of this measure.

Mr. SKAGGS. Madam Speaker, it gives me great pleasure to see the House about to give final congressional approval to this public lands transfer legislation. This bill originally passed the House almost a year ago, and is now back before us for agreement to some relatively minor amendments made by the Senate last month.

I originally introduced this bill to make sense of a crazy-quilt of land ownership patterns in Clear Creek County, CO, that has been described as resembling an explosion in a spaghetti factory. The bill will bring some order to bear and do so in a way that saves everybody—especially American taxpayers—money. It will also help protect open-space areas and preserve historic sites.

As part of its plan to merge its eastern Colorado operations into one administrative office, BLM has long sought to turn over to other units of Government many of its scattered, fragmented parcels of lands, some measured in inches, in Clear Creek County, in the eastern mountains of Colorado. This bill will help achieve that goal by transferring more than 14,000 acres of land from the BLM to the U.S. Forest Service, to the State of Colorado, to Clear Creek County, and to the towns of Georgetown and Silver Plume.

First, it transfers some BLM lands to the Arapaho National Forest, with the Forest Service to become responsible for their administration. This transfer clears up some clumsy boundary lines in the national forest and relieves BLM of responsibility for small parcels that would be more appropriately managed as part of the forest.

Second, it transfers additional lands to the State of Colorado, the county, and the towns I mentioned. Again, this is intended to clear up confusing boundaries, and will facilitate effective management of those lands for wildlife, recreation, and other public purposes.

A third category of lands will be transferred to Clear Creek County. After the county prepares a comprehensive land use plan for these, it may resell some of the land. Other parcels will be transferred to local governments, including the county, to be retained for recreation and public purposes.

Although BLM could transfer these lands under existing law, it would be required first to prepare a land survey of each parcel of land. Since the lands in question include many small, odd-shaped parcels—some measured in inches—BLM estimates that the normal boundary surveys would take at least another 15 years to complete, and could cost as much as $18 million. But, the estimated market value of these lands is ony $3 million.

Because the administrative costs were expected to be so much higher than the value of these lands, their disposal under existing law probably would never happen. In addition, once it decided to transfer these lands, BLM had really stopped managing them—leading potentially to all of the problems which befall abandoned property.

In effect, H.R. 1134 facilitates the disposal of these lands by allowing the lands to be transferred without land surveys, with any required surveys to be conducted later, by the recipients. In part, this is accomplished by authorizing the county to act as the BLM's sales agent. The Federal Government will ultimately receive any net receipts from the sale of these lands by the county. I do not wish to mislead my colleagues into thinking that this will result in any significant income for the Treasury. As the House committee report concludes, the transaction costs involved in these sales will probably be higher than total receipts. But compared to operating under existing law, this arrangement will save taxpayers at least $15 million.

Obviously, Clear Creek County will not reap any financial benefit from acting as BLM's sales agent. The county seeks to gain in other ways. It seeks to ensure that the eventual disposal of these lands is consistent with local land use planning laws and with the ability of local services to accommodate potential development. It seeks to ensure that important recreational, open space, and other values are preserved by retaining some of these lands in public ownership under terms of the Recreation and Public Purposes Act. Finally, the county seeks to expedite the disposal of those parcels suitable for sale, restoring them to the tax base.

In conclusion, this is more than just a good legislation, it is an extraordinary example of how the ingenuity of many individuals has turned a difficult problem—which appeared to be a losing proposition for all involved—into an orderly solution which offers benefits for all.

I wish to thank my colleague from Minnesota, the chairman of the Subcommittee on National Parks, Forests and Public Lands, Mr. VENTO, as well as the distinguished Chairman of the full committee, Mr. MILLER, for their continuing support and expeditious action on this bill. In addition, I wish to express my appreciation to the professional staff of the subcommittee and committee for their earlier work on the bill.

As the culmination of many years of work by the BLM, the Forest Service, Clear Creek County officials, the State of Colorado, and their citizen advisors, there are many individuals who deserve credit for this proposal. While I do not have time to thank them all, I do want to again recognize the contributions of former Clear Creek County Commissioner Peter Kenney. In conclusion, I urge all of my colleagues to support H.R. 1134 as passed by the Senate. It is a well-reasoned, efficient approach to resolve a complex land transaction problem—one that is supported by all of the parties involved.

Mr. HANSEN. Madam Speaker, I yield back the balance of my time.

Mr. VENTO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. KENNELLY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and concur in the Senate amendments to H.R. 1134.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

COLORADO LAND EXCHANGES

Mr. VENTO. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 341) to provide for a land exchange between the Secretary of Agriculture and Eagle and Pitkin Counties in Colorado, and for other purposes.

The Clerk read as follows:

S. 341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Eagle and Pitkin Counties in the State of Colorado (hereinafter in this Act referred to as the "Counties") are offering to convey to the United States approximately one thousand three hundred and seven acres of patented mining claim properties owned by the Counties with or adjacent to the White River National Forest (hereinafter in this Act referred to as the "National Forest inholdings"), including approximately six hundred and sixty nine acres of inholdings within the Holy Cross, Hunter-Fryingpan, Collegiate Peaks, and Maroon Bells-Snowmass Wilderness Areas;

(2) the properties identified in paragraph (1) are National Forest inholdings whose acquisition by the United States, would facilitate better management of the White River National Forest and its wilderness resources; and

(3) certain lands owned by the United States within Eagle County comprising approximately two hundred and seventeen acres and known as the Mt. Sopris Tree Nursery (hereinafter in this Act referred to as the "nursery lands") are available for exchange and the Counties desire to acquire portions of the nursery lands for public purposes.

(b) PURPOSES.—The proposes of this Act are—

(1) to provide the opportunity for an exchange whereby the Counties would transfer to the United States the National Forest inholdings in exchange for portions of the nursery lands;

(2) to provide an expedited mechanism under Federal law for resolving any private title claims to the National Forest inholdings if the exchange is consummated; and

(3) after the period of limitations has run for adjudication of all private title claims to the National Forest inholdings, to quite title in the inholdings in the United States subject to valid existing rights adjudicated pursuant to this Act.

SEC. 2. OFFER OF EXCHANGE.

(a) OFFER BY THE COUNTIES.—The exchange directed by this Act shall be consummated if within ninety days after enactment of this Act, the Counties offer to transfer to the United States, pursuant to the provisions of this Act, all right, title, and interest of the Counties in and to approximately—

(1) one thousand two hundred and fifty eight acres of lands owned by Pitkin County within and adjacent to the boundaries of the White River National Forest, Colorado, and generally depicted as parcels 1–53 on maps entitled "Pitkin County Lands to Forest Service", numbered 1–11, and dated April 1990, except for parcels 20 (Twilight), 21 (Little Alma), the Highland Chief, and Alaska portions of parcel 25 depicted on map 7, and parcel 52 (Iron King) on map 11, which shall remain in their current ownership; and

(2) forty-nine acres of land owned by Eagle County within and adjacent to the boundaries of the White River National Forest, Colorado, and generally depicted as parcels 54–58 on maps entitled "Eagle County Lands to Forest Service", numbered 12–14, and dated April 1990, except for parcel 56 (Manitou) on map 14 which is already in National Forest ownership.

(b) EXCHANGE BY THE SECRETARY.—Subject to the provisions of section 3, within ninety days after receipt by the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") of a quitclaim deed from the Counties to the United States of the lands identified in subsection (a) of this section, the Secretary, on behalf of the United States, shall convey by quitclaim deed to the counties, as tenants in common, all right, title, and interest of the United States in and to approximately one hundred and thirty-two acres of land (and water rights as specified in section 7 and the improvements located thereon), as generally depicted as tract A on the map entitled "Mt. Sopris Tree Nursery", dated October 5, 1990.

SEC. 3. RESERVATIONS AND CONDITIONS OF CONVEYANCE.

(A) RESERVATIONS.—In any conveyance to the Counties pursuant to section 2, the Secretary shall reserve—

(1) all right, title, and interest of the United States in and to approximately eighty-five acres of land (and improvements located thereon), which are generally depicted as tracts B (approximately twenty-nine acres) and C (approximately fifty-six acres) on the map referred to in section 2(b);

(2) water rights as specified in section 7(a); and

(3) any easements, existing utility lines, or other existing access in or across tract A currently serving buildings and facilities on tract B.

(b) REVERSION.—It is the intention of Congress that any lands and water rights conveyed to the Counties pursuant to this Act shall be retained by the Counties and used solely for public recreation and recreational facilities, open space, fairgrounds, and such other public purposes as do not significantly reduce the portion of such lands in open space. In the deed of conveyance to the Counties, the Secretary shall provide that all right, title, and interest in and to any lands and water rights conveyed to the Counties pursuant to this Act shall revert back to the United States in the event that such lands or water rights or any portion thereof are sold or otherwise conveyed by the Counties or are used for other than such public purposes.

(c) EQUALIZATION OF VALUES.—Values of the respective lands exchanged between the United States and the Counties pursuant to this Act are deemed to be of approximately equal value, without any need for cash equalization, as based on a statement of value prepared by qualified Forest Service appraisers and dated February 12, 1993.

(d) RIGHT OF FIRST REFUSAL.—The Secretary may convey any or all of the nursery lands reserved pursuant to subsection (a) of this section for fair market value under existing authorities, except that the Secretary shall first offer the Counties the opportunity to acquire the lands. This right of first refusal shall commence upon receipt by the Counties of written notice of the intent of the Secretary to convey such property, and the Counties shall have sixty days from the date of such receipt to offer to acquire such properties at fair market value as tenants in common. The Secretary shall have sole discretion as to whether to accept or reject any such offer of the Counties.

SEC. 4. STATUS OF LANDS ACQUIRED BY THE UNITED STATES.

(a) NATIONAL FOREST SYSTEM LANDS.—The National Forest inholdings acquired by the United States pursuant to this Act shall become a part of the White River National Forest (or in the case of portions of parcels 39, 40, and 41 depicted on map 9, and a portion of parcel 54 of map 12, part of the Gunnison and Arapahoe National Forests, respectively) for administration and management by the Secretary in accordance with the laws, rules, and regulations applicable to the National Forest System.

(b) WILDERNESS.—The National Forest inholdings that are within the boundaries of the Holy Cross, Hunter-Fryingpan, Collegiate Peaks, and Maroon Bells-Snowmass Wilderness Areas shall be incorporated in and deemed to be part of their respective wilderness areas and shall be administered in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness.

SEC. 5. RESOLVING TITLE DISPUTES TO NATIONAL FOREST INHOLDINGS.

(a) QUIET TITLE ACT.—Notwithstanding any other provisions of law and subject to the provisions of subsection (c) of this section, section 2409a of title 28, United States Code (commonly referred to as the "Quiet Title Act") shall be the sole legal remedy of any party claiming any right, title, or interest in or to any National Forest inholdings conveyed by the Counties to the United States pursuant to this Act.

(b) LISTING.—Upon conveyance of the National Forest inholdings to the United States, the Secretary shall cause to be published in a newspaper or newspapers of general circulation in Pitkin and Eagle Counties, Colorado, a listing of all National Forest inholdings acquired pursuant to this Act together with a statement that any party desiring to assert a claim of any right, title, or interest in or to such lands must bring an action against the United States pursuant to such section 2409a within the same period described by subsection (c) of this section.

(c) LIMITATION.—Notwithstanding section 2409a(g) of title 28, United States Code, any civil action against the United States to quiet title to National Forest inholdings conveyed to the United States pursuant to this Act must be filed in the United States District Court for the District of Colorado no later than the date that is six years after the date of publication of the listing required by subsection (b) of this section.

(d) VESTING BY OPERATION OF LAW.—Subject to any easements or other rights of record that may be accepted and expressly disclaimed by the Secretary, and without limiting title to National Forest inholdings conveyed by the Counties pursuant to this Act, all other rights, title, and interest in or to such National Forest inholdings if not otherwise vested by quitclaim deed to the

United States, shall vest in the United States on the date that is six years after the date of publication of the listing required by subsection (b) of this section, except for such title as is conveyed by the Counties, no other rights, title, or interest in or to any parcel of the lands conveyed to the United States pursuant to this Act shall vest in the United States under this subsection if title to such parcel—

(1) has been or hereafter is adjudicated as being in a party other than the United States or the Counties; or

(2) is the subject of any action or suit against the United States to vest such title in a party other than the United States or the Counties that is pending on the date six years after the date of publication of a listing required by subsection (b) of this section.

(e) COSTS AND ATTORNEY'S FEES.—(1) At the discretion of the count, any party claiming right, title, or interest in or to any of the National Forest inholdings who files an action against the United States to quiet title and fails to prevail in such action may be required to pay to the Secretary on behalf of the United States, an amount equal to the costs and attorney's fees incurred by the United States in the defense of such action.

(2) As a condition of any transfer of lands to the Counties under this Act, the Counties shall be obligated to reimburse the United States for 50 percent of all costs in excess of $240,000 not reimbursed pursuant to paragraph (1) of this subsection associated with the defense by the United States of any claim or legal action brought against the United States with respect to any rights, title, and interest in or to the National Forest inholdings. Payment shall be made in the same manner as provided in section 6 of this Act.

SEC. 6. REIMBURSEMENT TO THE UNITED STATES.

(a) IN GENERAL.—As a condition of any transfer of lands to the Counties under this Act, in addition to any amounts required to be paid to the United States pursuant to section 5(e), in the event of a final determination adverse to the United States in any action relating to the title to the National Forest inholdings, the United States shall be entitled to receive from the Counties reimbursement equal to the fair market value (appraised as if they had marketable title) of the lands that are the subject of such final determination.

(b) AVAILABILITY OF FUNDS.—Any money received by the United States from the Counties under section 5(e) or subsection (a) of this section shall be considered money received and deposited pursuant to the Act of December 4, 1967, as amended (and commonly known as the Sisk Act, 16 U.S.C. 484a).

(c) IN-KIND PAYMENT OF LANDS.—In lieu of monetary payments, any obligation for reimbursement by the Counties to the United States under this Act can be fulfilled by the conveyance to the United States of lands having a current fair market value equal to or greater than the amount of the obligation. Such lands shall be mutually acceptable to the Secretary and the Counties.

SEC. 7. WATER RIGHTS.

(a) ALLOCATION AND MANAGEMENT.—The water rights in existence on the date of enactment of this Act in the Mt. Sopris Tree Nursery, which comprise well water and irrigation ditch rights adjudicated under the laws of the State of Colorado, together with the right to administer, maintain, access, and further develop such rights, shall be allocated and managed as follows:

(1) The United States shall convey to the Counties as undivided tenants in common all rights associated with the five existing wells on the properties.

(2) If the Secretary determines that water from the five existing wells is necessary to meet culinary, sanitary, or domestic uses of the existing buildings retained by the United States pursuant to section 3(a), the Counties shall make available to the United States, without charge, enough water to reasonably serve such needs and shall additionally, if requested by the United States, make every effort to cooperatively provide to the United States, without charge, commensurate with the Counties' own needs on tract A, water to serve reasonable culinary, sanitary, and domestic uses of any new buildings which the United States may construct on its retained lands in the future.

(3) All Federally owned irrigation ditch water rights shall be reserved by the United States.

(b) MODIFICATION OF ALLOCATION.—If the Secretary and the Counties determine the public interest will be better served thereby, they may agree to modify the precise water allocation made pursuant to this section or to enter into cooperative agreements (with or without reimbursement) to use, share, or otherwise administer such water rights and associated facilities as they determine appropriate.

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) TIME REQUIREMENT FOR COMPLETING TRANSFER.—If the Counties make a timely offer, pursuant to section 2(a), the transfers of lands authorized and directed by this Act shall be completed no later than one year after the date of enactment of this Act.

(b) BOUNDARY MODIFICATIONS.—The Secretary and the Counties may mutually agree to make modifications of the final boundary between tracts A and B prior to completion of the exchange authorized by this Act if such modifications are determined to better serve mutual objectives than the precise boundaries as set forth in the maps referenced in this Act.

(c) TRACT A EASEMENT.—The transfer of tract A to the Counties shall be subject to the existing highway easement to the State of Colorado and to any other right, title, or interest of record.

(d) VALIDITY.—If any provision of this Act or the application thereof is held invalid, the remainder of the Act and application thereof, except for the precise provision held invalid, shall not be affected thereby.

(e) FOREST HEADQUARTERS AND ADMINISTRATIVE OFFICES.—The White River National Forest headquarters and administrative office in Glenwood Springs, Colorado, are hereby transferred from the jurisdiction of the United States General Services Administration to the jurisdiction of the Secretary who shall retain such facilities unless and until otherwise provided by subsequent Act of Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on S. 341, the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 341 would provide for a land exchange between the United States and two counties in western Colorado.

The bill is similar to one passed by the House in the last Congress on which action was not completed prior to the sine die adjournment.

Under the exchange, the two counties would receive about 132 acres of land near the community of El Jebel, outside national forest boundaries, that were once used by the forest service as a tree nursery. In return, the counties would transfer to the United States about 1,300 acres of national forest inholdings, including some lands within existing wilderness areas.

The tree-farm lands are located in a part of the valley of the Roaring Fork River, between Aspen and Carbondale, where rapid development is taking place and from which many residents commute into Aspen to work. The counties want to use these lands for public recreation and similar public purposes.

Under the bill, the counties could not transfer the lands, and the lands would revert to the ownership of the National Government if used for any purpose that would significantly reduce their open-space character.

The forest service has reviewed the values of the lands involved, to assure that the National Government will receive fair value in the exchange, and has determined that the values are closely comparable.

The national forest inholdings that the United States would receive in the exchange were originally patented as mining claims—that is, under the mining law of 1872 they were acquired from the United States for a very low price. But the mining companies that held these lands did not pay the property taxes on them, and the counties acquired them at tax sales.

Recently, the ownership of the lands have been subject to some disputes. Claims have been filed in the State courts, alleging that the counties do not have good title.

To protect the national interest, the bill provides that any disputes about the title to these inholdings must be resolved in Federal court, and requires the counties to share equally in any litigation costs exceeding $240,000 for which the court does not order reimbursement to the National Government from the party contesting the title.

Furthermore, should there be a successful challenge to the title of any of the national forest inholdings, the counties would be required to reimburse the United States, in money or in other lands acceptable to the Secretary of Agriculture.

Madam Speaker, S. 341 is a good bill that will enable the local governments to make appropriate public use of open-space lands no longer needed by the National Government and also improve the management of very valuable national forest lands, including important wilderness areas. It is a sound measure that properly balances the interests of the National Government, the two Colorado counties, and all others concerned. I urge passage of the bill.

Madam Speaker, I reserve the balance of my time.

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 341 which would direct a land exchange of about 132 acres of Federal lands in Colorado for approximately 1,307 of inholdings owned by Eagle and Pitken Counties in Colorado.

This bill has been fully explained by Chairman VENTO. It is a commonsense bill that makes sense for both the Forest Service and Eagle and Pitken Counties. It is supported by the entire Colorado delegation and the administration.

Congressman SCOTT MCINNIS, who represents this area, has been actively involved in this legislation. In fact, he introduced H.R. 1199, which is the House companion to S. 341, and he is in full support of the Senate version.

I urge my colleagues to support S. 341.

Mr. MCINNIS. Madam Speaker, I urge my colleagues to approve S. 341, the Mount Sopris Tree Nursery Land Exchange which has been presented to the House today.

This legislation has passed the Senate three times, passed the House Natural Resources Committee and the House last Congress, and would have been law long ago had it not been for the timing of the congressional adjournment in October 1992. It has been my privilege to continue the efforts of Senator BEN NIGHTHORSE CAMPBELL, my predecessor as Representative from the Third District of Colorado, and to work with him this session, carrying forward the Senate-passed version through the House legislative process to completion today.

S. 341 is supported by the Forest Service, the administration, the Colorado congressional delegation, and numerous environmental organizations, business groups, and local government entities. We have all worked together for our constituents and the interests of Colorado, while seeking to preserve the integrity of the title and use of these beautiful areas.

Enacting this legislation will bring dozens of very sensitive wilderness inholdings into Forest Service ownership. Wilderness inholdings have caused many problems in our State, and particularly in my congressional district, so an opportunity such as presented by S. 341 to convey these inholdings into Federal ownership without controversy should not be passed up or delayed.

Since Pitkin and Eagle Counties have been seeking to acquire the Mount Sopris Tree Nursery lands for more than 5 years to devote them to public uses, the counties are anxious to begin using the lands for recreational facilities, a senior citizen meeting center, and other worthy purposes. When this legislation is passed today, use this summer may still be possible. Otherwise, other prime recreation seasons could pass before the public can use the land.

Madam Speaker, I would like to commend the commissioners of both Eagle and Pitkin Counties; the U.S. Forest Service; both the House and Senate Natural Resources Committees, notably House Natural Resources Committee Chairman MILLER and National Parks Subcommittee Chairman BRUCE VENTO for their longstanding cooperation and support for this legislation.

Madam Speaker, I urge the passage of the Mount Sopris Tree Nursery land exchange today.

Mr. HANSEN. Madam Speaker, I yield back the balance of my time.

Mr. VENTO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 341.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF TIMETABLE FOR OFFERING AMENDMENTS ON H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995, AND H.R. 2108, BLACK LUNG BENEFITS RESTORATION ACT OF 1993

Mr. BEILENSON. Madam Speaker, I rise today to notify Members about the Rules Committee's plans for two measures: H.R. 4301, the fiscal year 1995 National Defense Authorization Act and H.R. 2108, the Black Lung Benefits Restoration Act of 1993.

It is my understanding, Mr. Speaker, that the Rules Committee plans to meet next week on both measures.

In order to provide for fair and timely consideration, the committee may grant rules on both measures that will structure the offering of amendments. Any Member who is contemplating an amendment to either measure should submit 55 copies of the amendment and one brief explanation by 12 noon on Monday, May 16. The committee offices are in room H–312 in the Capitol.

Mr. Speaker, Chairman MOAKLEY has sent two "Dear Colleague" letters to all offices explaining this procedure. We appreciate the cooperation of all Members.

PROVIDING FOR CONSIDERATION OF H.R. 2442, ECONOMIC DEVELOPMENT REAUTHORIZATION ACT OF 1994

Mr. BEILENSON. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 420 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 420

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2442) to reauthorize appropriations under the Public Works and Economic Development Act of 1965, as amended, to revise administrative provisions of the Act to improve the authority of the Secretary of Commerce to administer grant programs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed ninety minutes, with sixty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation and thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the committee amendments now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part 1 of the report of the Committee on Rules accompanying this resolution. The amendment in the nature of a substitute shall be considered as read. Before consideration of any other amendment it shall be in order to consider the amendment printed in part 2 of the report of the Committee on Rules, if offered by a Member designated in the report. All points of order against the amendments printed in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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The SPEAKER pro tempore (Mr. MCDERMOTT). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for the purpose of debate only, I yield the customary one-half hour of debate time to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all

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time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 420 is the rule providing for the consideration of H.R. 2442, the Economic Development Reauthorization Act of 1994.

This is an open rule. It provides 90 minutes of general debate time, 60 minutes of which is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation. The remaining 30 minutes is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs.

Mr. Speaker, the rule waives all points of order against consideration of the bill. We are unaware of any controversy surrounding the waivers.

Under the rule, an amendment in the nature of a substitute, printed in part 1 of the report accompanying the rule, is made in order as an original bill for the purposes of amendment. The substitute shall be considered as read.

Further, the rule provides that before consideration of any other amendment, it shall be in order to consider the Kanjorski amendment printed in part 2 of the report. The Kanjorski amendment deals with the marketing and commercial licensing of Federal developed technologies and processes, and establishes a Business Development and Technology Commercialization Corporation.

The rule waives all points of order against the amendments printed in the report.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, this rule and the bill itself represent the results of true bipartisan work and negotiations, as well as the cooperation of several committees. I commend everyone involved for making these efforts to bring a bill to the House which has been carefully considered and which is the product of majority and minority cooperation, as well as of collaboration among major committees.

Mr. Speaker, the rule provides for the consideration of H.R. 2442, the Economic Development Reauthorization Act of 1994, which revises and extends the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

This reauthorization of these programs, which have been dependent on appropriations to keep them going since 1982, is long overdue. Now that we seem to have a consensus that believes certain agencies of the Government can help rebuild the economies of distressed communities by ensuring that Federal funds are used to leverage private investment, we have a good chance to have their reauthorization enacted.

Mr. Speaker, as a Member who represents an area that has been especially hard hit by the recession, by defense cutbacks, and more recently, by two major natural disasters—the fires of last fall and the January earthquake that destroyed so much of my district, including businesses there—I am especially pleased to see that the committees have shown a commitment to maintain a Federal presence to help such severely distressed communities. The EDA is to be commended for attempting to improve its role in helping communities adjust to these types of natural disasters, to base closures, and to defense cutbacks and for using its wide range of tools to help communities find new jobs.

GENERAL LEAVE

Mr. BEILENSON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on House Resolution 420.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule provides for consideration of H.R. 2442, the Economic Development and Reauthorization Act of 1994. This is a totally open rule, something we do not see on this floor very often. As a matter of fact, the extraneous material I just offered to the Chair points out that almost 80 percent of all rules that have come before this body this Congress have been closed or restrictive. So we are very grateful for the opportunity to have our traditional free and open debate.

However, there are several unusual features to this rule that Members should be aware of. First, the rule makes in order a compromise amendment in the nature of a substitute crafted by the Committee on Public Works and Transportation and the Committee on Banking, Finance and Urban Affairs. This compromise amendment, which is printed in the report of the Committee on Rules for this rule, will be considered as original text for the purpose of amendment on the floor.

Second, this rule allows for consideration of the amendment offered by the gentleman from Pennsylvania [Mr. KANJORSKI], which adds a new title III to the bill, regarding business development assistance, prior to consideration of any other amendment.

Mr. Speaker, Members should be advised that amendments to the Kanjorski amendment will be taken up prior to consideration of titles I and II of the bill under the 5-minute rule. While I appreciate the open rule on this legislation, I cannot support the blanket waiver of points of order contained in this rule.

As I have pointed out in the past on numerous occasions, the Committee on Rules should specifically cite in each special rule reported which points of order under House rules are being waived and why. That is how we got ourselves into the sea of red ink we are in today—just waiving points of order, waiving the Budget Act. That is what we do when we waive all points of order—we waive the Budget Act.

This is an area that I sincerely hope the Committee on Rules can improve on in the future, and heaven knows, it needs improving.

In particular, Mr. Speaker, the gentleman from Pennsylvania [Mr. KANJORSKI] came before the Committee on Rules last week with a hotly debated amendment to, among other things, establish a new Business Development and Technology Commercialization Corporation outside the Government of the United States. This amendment required a germaneness waiver which the Committee on Rules provided.

I would just like to point out for the record that during the Committee on Rules consideration of another bill, just last week, H.R. 4296, which we all know is the assault weapons ban, the Committee on Rules majority, that is the Democrats on the other side of the aisle, refused to provide a germaneness waiver for the Republican amendment of the gentleman from Florida [Mr. MCCOLLUM] and refused even to make it in order. There was no "give it a waiver," no "allow it to be made in order." That amendment would have allowed debate on the other alternative to taking away the guns of law-abiding citizens. The alternative would have required, this is the other side of the coin now, would have required mandatory minimum sentences of criminals who commit crimes with guns. In other words, throw the book at these criminals, but do not take away the guns of law-abiding citizens.

We were denied that simply because the Rules Committee upstairs refused to even allow that to be debated on the floor. Is that not a shame?

Now, under this rule, the gentleman from Pennsylvania [Mr. KANJORSKI] is granted the opportunity to offer his amendment before any other amendment and is granted a germaneness waiver. I guess it pays to be a member of the Democrat Party. They certainly have special privileges.

Mr. Speaker, it is said that an elephant never forgets. I wish to notify my colleagues on the other side of the aisle that our side will be unlikely to forget this waiver. Hopefully, we can balance things out the next time we come back up to the Committee on Rules for another waiver.

Having said all that, I will reserve decision on how I am going to vote on this particular rule until we have heard from the gentleman from Pennsylvania [Mr. WALKER], whose committee was bypassed by that waiver. A little bit later on in this debate, I may have

some questions as to why the waiver was granted.

Mr. Speaker, I include for the RECORD the information to which I referred.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	62	13	21	49	79

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through May 5, 1994.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.—Continued

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield such time as he may consume to the gentleman from California [Mr. MINETA], chairman of the full committee.

Mr. MINETA. Mr. Speaker, on behalf of the Committee on Public Works and Transporation, particularly Mr. SHUSTER, our full committee ranking member, Mr. WISE, chairman of our Subcommittee on Economic Development, and Ms. MOLINARI, the subcommittee's ranking member, I rise in strong support of House Resolution 420 which provides for consideration of H.R. 2442, the Economic Development Reauthorization Act of 1994.

Mr. Speaker, House Resolution 420 provides for a process which is fair, responsible and responsive. It does so by providing for consideration of the bill under an open rule. Under the provisions of the resolution, no limitations are placed on amendments which may be offered. The rule protects the rights of every Member of the House—on both sides of the aisle. To those who advo-

cate and support open rules as the very essence of the legislative process, House Resolution 420 is such a rule. When the leadership of the Public Works Committee testified before the Rules Committee, we requested an open rule and House Resolution 420 honors that request.

In that regard, I want to commend Chairman MOAKLEY, the members of the Rules Committee, and the manager of the resolution, Congressman BEILENSON, for bringing forth the kind of rule which I believe deserves unanimous bipartisan support.

House Resolution 420 also makes in order a compromise substitute as the original text for purposes of amendment. The compromise substitute amendment reflects a bipartisan agreement of the Public Works Committee and the Committee on Banking, Finance and Urban Affairs to revise and extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 and reauthorize the programs of the Economic Development Administration and the Appalachian Regional Commission.

On that point, I would also like to take this opportunity to thank the many members of the Public Works and Banking Committees who have worked long and hard on this important legislation. Those members include Mr. WISE, Ms. MOLINARI, and Mr. SHUSTER of the Public Works Committee, Mr. KANJORSKI, chairman of the Subcommittee on Economic Growth and Credit Formation of the Banking Committee, Mr. RIDGE, the subcommittee's ranking member, Mr. GONZALEZ, the full committee chairman, and Mr. LEACH, the committee's ranking member. Together, these two committees have held more than a dozen hearings this Congress exploring ways to modify, improve, and update the programs of EDA and the ARC. Collectively, I believe these members have produced a product that is visionary, responsive, and constructive.

The compromise substitute reauthorizes EDA and ARC programs for 3 years through fiscal year 1996. There are two titles in it. Title I reauthorizes EDA programs at $322 million for fiscal year 1994 and at an estimated amount of $386 million for each of fiscal years 1995 and 1996. Moreover, like previous committee- and House-passed EDA reauthorization bills, the substitute revises EDA's eligibility criteria and requires applicants to develop an investment strategy. These reforms will better enable EDA to target truly distressed communities and ensure that the funds are used to leverage private investment.

Title II reauthorizes ARC programs at $249 million for fiscal year 1994 and at an estimated amount of $214 million for each of fiscal years 1995 and 1996. To date, the Appalachian Regional Commission has overseen the construction of more than 2,200 miles of the Appalachian Development Highway System. The highway system, together with the ARC's community development programs, help diversify the economy, attract new business, and improve the quality of life in Appalachia.

In each succeeding Congress since 1981, the Public Works Committee has reported a bill reauthorizing and revising the EDA and ARC programs and the House has passed these bills by overwhelming margins. Those bills did not become law because the two previous administrations opposed these programs. Now we have an opportunity to begin anew and I believe that H.R. 2442, and specifically the compromise substitute, incorporates the necessary principles which will serve as the basis for long-standing bipartisan support for this legislation.

First, the authorizations contained are at levels considerably reduced from the pre-1982 authorization levels because of the Committee's strong commitment to help reduce our Federal deficit and national debt.

Second, the committee is strongly committed to maintaining a Federal presence to help severely distressed communities. In doing so, the substitute revises EDA's eligibility criteria to target the limited Federal dollars to the most distressed communities of our Nation. This is a major program reform that is long overdue.

Finally, in order to be eligible for assistance under H.R. 2442, the applicant must submit an investment strategy outlining how a particular project fits into a community's development plan. The required investment strategy will outline how the applicant will leverage private sector monies to leverage the Federal investment, and will help ensure that EDA is funding the right kinds of projects.

Today, for a number of reasons, I believe that Congress is in the best position in years to enact meaningful legislation to authorize and improve the EDA and ARC programs. I believe that H.R. 2442 and the substitute provide Congress with a great opportunity to better enable the programs of the Economic Development Administration and Appalachian Regional Commission to contribute to the economic strength of our Nation.

Mr. Speaker, I urge support of House Resolution 420 to allow us to consider this important legislation in a fair and open process.

□ 1320

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in no way do I want to criticize the chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA]. That is my old committee, and the gentleman from California does an excellent job on that committee. I admire and respect him for it, but I do have to question these waivers.

Before I yield to the next speaker, Mr. Speaker, I just would like to ask these questions and perhaps answer them myself, so people understand what these waivers are all about.

Mr. Speaker, question No. 1, why is a blanket waiver of points of order against consideration of the bill provided by this rule?

The answer is, the Committee on Public Works and Transportation included a CBO cost estimate in its report of the bill, House Report 103–423, part 1. However, the Banking Committee report, House Report 103–423, part 2, does not include a CBO cost estimate. Waivers of clause 2(l)(3)C of rule 11 requiring a CBO cost estimate and clause 7(a)1 of rule 13 requiring a committee cost estimate are needed because of the absence of any cost estimate in the Banking Committee's reported bill.

In other words, Mr. Speaker, we are not following the rules of the House, so we have to have these waivers.

Question No. 2. As the gentleman knows, the Committee on Public Works and Transportation and the Committee on Banking, Finance and Urban Affairs produced a compromise amendment in the nature of a substitute, which is printed in part 1 of the Rules Committee report. This amendment will serve as original text for the purpose of amendment under the 5-minute rule. Why does the rule reported by the Rules Committee waive all points of order against this compromise amendment?

A waiver of clause 7, rule 16 regarding germaneness is needed for the amendment in the nature of a substitute. This bill was introduced by request of the Clinton administration. The introduced bill was only an authorization for the EDA; Public Works and Banking added the ARC. Thus, the amendment in the nature of a substitute in not germane to the introduced bill.

Mr. Speaker, additionally, a waiver of clause 5(a) of rule 21 prohibiting appropriations on a legislative bill is needed because section 118(d) "Funds Transferred From Other Departments and Agencies" allows for the transfer of certain receipts without returning them to the Treasury and going back through the appropriations process, very, very confusing.

Question No. 3, the rule before us also allows for consideration of an amendment, prior to any other amendment, by Mr. KANJORSKI, printed in part 2 of the Rules Committee report, adding a new title III, called Business Development Assistance, to the base text. What points of order are waived by the rule against this amendment?

A waiver of clause 7, rule 16 is necessary; the amendment is not germane to the bill.

The amendment also needs a waiver of 5(a) of rule 21, prohibiting appropriations on a legislative bill. Section 304(d)(4) of the Kanjorski amendment allows the Business Development and Technology Commercialization Corporation, that is a long phrase, established under this new title to retain and use a percentage of any royalties without returning funds to the Treasury and going through the appropriations process, in other words, following the rules of the House.

□ 1330

Question: Would the gentleman agree that as a general principle the Committee on Rules could improve the deliberative process by citing specific House rules that are being waived by the special rules reported?

I would just say, the gentleman does not have to answer that question. It is the question of why we are concerned about blanket waivers, because I am sure that people who might be viewing this or even Members in their offices do not understand what I just said. It is the rules of the House we are concerned with and Members should know what these specific waivers are.

Mr. Speaker, I make this point not in real criticism but in hope that the next rules put out that specifically waive points of order will be such as we can look at and understand.

Mr. MINETA. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to my very respected friend, the gentleman from California.

Mr. MINETA. As the gentleman will recall, the introduced bill by request only had the Economic Development Administration, but historically the Committee on Public Works and Transportation in dealing with the Economic Development Act always has with it the Appalachian Regional Commission, so to the extent we added ARC to the introduced bill, or to our bill, we had to get a technical waiver, the gentleman is absolutely correct on that.

Mr. Speaker, we did have a cost estimate as to title I and title II portion of the bill. The Committee on Public Works and Transportation really never asked for a general waiver nor is there a violation of the Budget Act in this provision or in the introduced bill or in the substitute that we have under consideration here.

Mr. Speaker, I just wanted to explain our committee's position on the relevant points that the gentleman brought up, and I hope the gentleman will accept the explanation for that.

Mr. SOLOMON. Mr. Speaker, the gentleman has certainly made a very cogent statement and he has made my case. The fact is that under this rule, no specific budget waiver is included. We are giving a blanket waiver but there is nothing in here that is going to waive the Budget Act specifically.

Mr. Speaker, Members are entitled to know that and that is why I say any rule we bring to this floor ought to cite the specific waivers so Members know what they are voting on.

Mr. BEILENSON. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to one of the most respected members of our Committee on Rules, another gentleman from California. We are always overrun with Californians on this floor for some reason.

Mr. BEILENSON. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I appreciate the explanation by Chairman MINETA for the reason for at least a couple of the waivers in there, but to the larger question our friend, the gentleman from New York poses, I think he makes a very valid point and this member at least of the Committee on Rules will join with the gentleman from New York in urging our committee in the future to be as specific as we possibly can in explaining the reasons for the various waivers, and in many cases as the gentleman understands, they are relatively technical in nature, in some instances as was explained by the gentleman from California [Mr. MINETA] for historical reasons in a sense we are including the ARC in with the EDA, was necessary for that purpose. In any case, I think it is a useful suggestion and perhaps we can work together on making it a reality.

Mr. SOLOMON. Mr. Speaker, the gentleman has made that argument in the Committee on Rules and I have commended him for it in the past.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER], the ranking member of the Committee on Science, Space, and Technology. The gentleman has returned to Washington even though there is an election primary going on in Pennsylvania today, and he wants to get back up there.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I just want to point out that one of the germaneness waivers in this rule has some major consequences to it, and I wish it had been more carefully considered.

Mr. Speaker, when we have an open rule, it is extremely important in many instances that we make certain that the committees of jurisdiction are properly protected. In the case of the Kanjorski amendment that will be offered under the waiver permitted in this rule, I think that is particularly important. This amendment is not germane to a public works bill. The bill that is going to be on the floor is a public works bill, but in this case what has happened is that the amendment slops over into the jurisdiction of the Committee on Science, Space, and Technology, because the amendment will deal with the subject of technology transfer, more particularly the Federal Technology Transfer Act, and this bill is going to drastically alter the Federal Technology Transfer Act.

Mr. Speaker, let me tell Members a few reasons why that is probably not a good thing for us to be doing with an amendment where germaneness was waived.

First of all, technology transfer in a centralized regime has been shown to be a failure time, after time, after time. When we centralize technology transfer, we get all the worst policies for this country. The Kanjorski amendment seeks to renege on what we have already decided to do in Federal technology transfer programs to decentralize the programs, it seeks to recentralize the programs and thereby it seems to me creates havoc in what we have been trying to achieve for some period of time in these programs.

Second, in the same area, the economic incentives that we are seeking to bring about in all of this come from individual laboratories and they promote economic development at the local level. What we have got here is now an attempt to renege on that and go back toward centralized kinds of control. It seems to me that makes no sense.

Mr. Speaker, let me tell Members where we have a real problem. As was mentioned in the remarks of the gentleman from New York [Mr. SOLOMON], the Committee on Banking, Finance and Urban Affairs portion of this does not have the cost estimate in it. So we are waiving germaneness and we are waiving the rules of the House with regard to the Committee on Banking, Finance and Urban Affairs' cost report. Guess why it may not have that. Because when the original Kanjorski bill on the subject matter addressed in this amendment was introduced, it had a $12 billion price tag to it. That was for fiscal years 1995–99.

Mr. Speaker, there are no cost figures given whatsoever for the amendment that is going to be before us. He has taken out some sections that were in the bill, but nevertheless we are sitting there with that bill that was originally introduced at $12 billion, we now have no cost estimates from the Committee on Banking, Finance and Urban Affairs, we have no costs in the amendment itself, we are already spending millions of dollars on the National Technology Transfer Center and the National Technical Information Service, millions are being spent already, and this is another add-on that we do not know the cost of.

Mr. Speaker, let us compare the $12 billion. This entire bill, the entire bill that is going to be before us is a $1.2 billion bill.

Mr. Speaker, if this thing stretches out to where the gentleman's original legislation was, this particular amendment could be 10 times the cost of the entire bill we have before us.

Mr. Speaker, it makes absolutely no sense to waive germaneness of the amendment and bring it to the floor in this kind of manner. This is exactly the kind of thing that ought to be brought before committees, it is exactly the kind of thing that ought to be brought to the floor in proper sequence, not with rules waived and not with germaneness waived on the House floor.

Mr. Speaker, let me make one final point. We are also doing this in violation of what the Clinton administration wants. The Clinton administration opposes this section (c) amendment.

Let me read a couple of things here that the Commerce Department has to say about this particular subtitle (c). The general counsel says that the administration would oppose subtitle (c) "because it creates a new corporation which would be empowered to act as patent licensing agent for Federal agencies. If it is intended that agencies be required to use the corporation's services, the provision is inconsistent with Federal law and policy, such as the Federal Technology Transfer Act, which encourages agencies to take an active part in managing and promoting their inventions. If the authority is merely permissive, it is difficult to see how the corporation could derive the revenues it needs to survive. We do support the principles of section 722, but believe that legislation would be premature at this time. The National Technical Information Service already makes much of this information available through catalogs and periodic alerts when an important invention is available for licensing. It also maintains a Patent Licensing Bulletin Board as a subsystem of FedWorld, its on-line gateway to bulletin boards and other information throughout the Government. Additional time is needed to develop and refine the system. At the present time, NTIS, which is self-supporting, would not be able to give the information products away for free and without limit as the section envisions. Accordingly, we recommend that subtitle (c) be deleted."

Mr. Speaker, what we have here is a germaneness waiver that goes against an administration policy, which in my view is bad policy when we begin centralizing tech transfer, and more importantly is done without cost estimates, and specifically the Committee on Banking, Finance and Urban Affairs refused to put the cost estimates into the report on the bill.

The Speaker, this is a bad, bad thing to do a germaneness waiver on, and for that reason I am very disappointed in what would typically be a good idea, an open rule, but an open rule that waives germaneness for this kind of an amendment seems to me does all the wrong things.

Mr. BEILENSON. Mr. Speaker, before I yield to our friend, the gentleman from Pennsylvania [Mr. KANJORSKI], I yield myself such time as I may consume.

Let me respond briefly, if I may, to the gentleman from Pennsylvania [Mr. WALKER]. Let me say to the gentleman from Pennsylvania [Mr. WALKER] that he made some very valid points, some of which were not, quite frankly, as our mutual friend, the gentleman from New York [Mr. SOLOMON], will attest, were not made to us at the meeting of the Committee on Rules. So some of this is sort of first time.

We have heard some of these things, but I accept them. I understand what the gentleman is saying. I listened carefully to what the gentleman was saying, so I think your comments were extremely useful and will be useful to us in the future.

I do want to respond, at least partially, to this extent at least, to let Members know that the amendment offered by the gentleman from Pennsylvania [Mr. KANJORSKI] was, in fact, to which we gave this germaneness waiver, was a part of the original bill as reported by the Banking Committee. It did, although as I understand it now, it may well be that the gentleman from Pennsylvania [Mr. WALKER] was not included in these conversations, if that is the case, I wish the Committee on Rules had been advised of this earlier; that we did have the approval, that the Committee on Rules did have the approval, of the relevant involved committees of jurisdiction before we granted this particular waiver.

I think the gentleman from Pennsylvania [Mr. KANJORSKI] and members of his committee believe they are put at a disadvantage, because they think his amendment should be part of the original base bill instead of having to come in as a separate amendment.

I just wanted to explain this history that this was with the consent of the relevant committees and we made it in order.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BEILENSON. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, the gentleman makes an important point. It is my understanding, for instance, that the chairman of the Committee on Energy and Commerce sent a letter to the Committee on Rules specifically asking that the germaneness waiver not be granted and, you know, in the case of the Science Committee, it is true that the majority did agree to waive it. I did not, however, and really did not find out about the fact that this was moving through until after the committee had already said to go ahead on it.

I think that is bad policy. But that is a problem within our committee, not with you. In reference to the Committee on Energy and Commerce, I think you did have a letter from the Energy and Commerce chairman asking you not to grant the waiver.

Mr. BEILENSON. The gentleman is correct. At first we did in fact have that, and I was suggesting earlier, our mutual friend, the gentleman from New York [Mr. SOLOMON], will attest to the fact that during the hearing that representation in fact was made by the chairman of that committee. But subsequent to that time, at the request of the gentleman from Massachusetts [Mr. MOAKLEY], the various parties involved, perhaps not all, perhaps not the gentleman himself had the opportunity, was notified in a proper fashion, in a timely fashion, but the other people involved including the chairman to whom the gentleman from Pennsylvania alludes, in fact, did get together and did consent to this particular way of bringing the measure to the floor and bringing the amendment offered by the gentleman from Pennsylvania [Mr. KANJORSKI] in as a separate measure.

There was apparent approval of everyone to whom the Committee on Rules spoke, a method which we are offering on the floor today.

Mr. WALKER. If the gentleman will yield further, the problem is, there is some concern about the process here, because there was an attempt to assure that the minority, I think, was included, but when my objections arose on my behalf, and I think the gentleman from Pennsylvania [Mr. SHUSTER] also was concerned about this, that seems to have been ignored in the process, and we moved forward without the minority being given due course.

Mr. BEILENSON. If I may reclaim my time, the gentleman makes a valid point except to say, in fairness, I think the members of the Committee on Rules were not aware of the gentleman's problem or, in fact, that the proper gentlemen were not spoken to with respect to the minority's position.

Mr. WALKER. If the gentleman will yield, just so you know, it was my impression, given some discussions I had on it, was that if the gentleman from Pennsylvania [Mr. SHUSTER] and I had not said that we were not going to sign off on this, that it was not to be brought forward, so I ended up somewhat surprised when I found out the whole thing was rolling ahead despite the fact the gentleman from Pennsylvania [Mr. SHUSTER] and I had not agreed to the process.

I thank the gentleman for his explanation.

Mr. BEILENSON. Not at all, and I appreciate, as I said earlier, the gentleman's remarks that were most helpful.

I want to respond to one more just so the Members will not be too terribly concerned about this either. The gentleman alluded to the fact the Kanjorski amendment or Kanjorski bill, as originally introduced, had something like a potential $12 billion cost. This gentleman is informed and does, in fact, believe that the amendment

which was made in order and for which germaneness was waived does not involve any substantial cost whatsoever and it was on that basis, of course, that we granted this waiver which we thought under the circumstances was, therefore, relatively a technical one.

Mr. WALKER. If the gentleman will yield further, the problem is the reason why it does not have any cost on it is it is based on a royalty system which they claim repays all of this. The problem is with the royalty-based system, you have now waived the rules of the House in order to make the royalty system not subject to the appropriations process, whereas rules before have always said that the royalty-based system had to be subject to appropriations.

The only way you are establishing that is by doing an end run around another major process of the House.

Mr. BEILENSON. I thank the gentleman again for his comments. They have, in fact, been useful, and this gentleman hopes they will be attended to in the future.

Mr. Speaker, for purposes of debate only, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise to respond to some extent to my colleague, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER would make the argument that this is a form of centralization. I would say that it is quite the contrary. It is an attempt to decentralize something that has been centralized.

He would suggest in the second argument that the original bill contained an expenditure of $12 billion. That is absolutely correct. However, the original bill covered the closing of the transfer price loophole which would have raised $24 billion for the U.S. Treasury, 12 of which would have been committed to create jobs for Americans and the other $12 billion would have been used and should be used to reduce the deficit.

I find it strange that my conservative colleague from Pennsylvania neglects to tell his colleagues that, in fact, that portion, the fourth leg of the original bill, would have expended $12 billion to create millions of jobs for average Americans, good-paying jobs, and would have brought in $24 billion, $12 of which would have gone to the reduction of the deficit.

On the germaneness question that he raises, the reason there is a germaneness question is that the Banking Committee cooperated with the Committee on Public Works and Transportation, and at their request took this out of the original text of the bill that it was in originally and set it out as an amendment in a separate item so that it can be handled in the future for purposes of committee jurisdiction as a separate title to the bill.

I think what we are arguing here is something very important. Let me say that it would seem to me that the argument of my friend, the gentleman from Pennsylvania, would be that this suddenly fell from heaven as an idea. I wanted to assure my colleagues of the House that this is not true.

As the gentleman from Wisconsin [Mr. ROTH], a member of the subcommittee, knows, who helped fashion this and as an original cosponsor of the bill, we worked on this bill and now this amendment for well over 18 months. We have had thousands of pages of testimony and eight full congressional hearings on this subject, some here in Washington and some around the country. We have had the advice of some of the best experts in the country, both in technology, in law and some of the people that deal with technologies, and on the investment in technologies.

Let my tell my colleagues some of the facts that we heard that are astounding. The astounding facts are the U.S. Government spends about $80 billion a year on research and development, and we do have some developed mechanisms within the Federal system to put this technology out into the marketplace, but they have not been terribly successful. One of those agencies testified that over the last 5 years they have been very successful in putting out 314 technologies, 314 technologies licensed to the private sector in 5 years for a grand total of revenue of $36 million to the Federal Treasury.

Now, if you break that down on a 5-year portion, that is about $7 million a year that came into the U.S. Treasury, and the U.S. Government has been spending $80 billion a year in research and development.

Now, I am not the best businessman in the world, but I know the gentleman from Pennsylvania is known to represent the interests of business, and I would suggest that a $7 million return to the U.S. Government on an $80 billion investment on a yearly basis does not smack of the best of business in the world. As a matter of fact, may I say to my colleagues on the Republican side, this bill is about as close as you are ever going to get to putting the American Government in the hands of the private sector to handle what the private sector can do best.

This is hardly what you would call a Government-involvement bill. This is a bill to attempt to take what has been and is considered a valuable inventory of assets owned by the American people and paid for by the American people that has not properly been commercialized and marketed, and taking the process of the American marketing ability and the private sector and to use that process to avail American small business, medium-sized business, and entrepreneurs to getting American-paid-for technology so that they can individually commercialize that technology.

□ 1350

I would say this is about as close as we can come to what I would consider my friends on the other side should be offering. As a matter of fact, let me say and assure you that this is a bipartisan bill.

The Members who served on the subcommittee I am proud to chair of the Committee on Banking, Finance and Urban Affairs came out of the banking subcommittee on a unanimous voice vote. We did not have objection. We have sponsors in the bill who are very bipartisan in nature. As a matter of fact, one of my closest colleagues in the House, and friend and fellow Republican from Pennsylvania, Mr. TOM RIDGE, is standing for the governorship of Pennsylvania right in this very election. I am proud to say that TOM RIDGE was a cosponsor and a codeveloper of this concept in the bill. TOM believes, as I do, that this does not believe or belong to have partisan markings to it. This truly is an American bill. This is an attempt to take American paid for technology and to find a way for average Americans, small businessmen, medium-size businessmen and entrepreneurs, to have the same shot at advanced American technology as the very large corporations in America have today, but most of all what very large corporations in Japan and around the world have today.

What we found in our testimony is that there is one agency, one country in this town that has more than 21 experts who do nothing else but every day study the technology reserves of the U.S. inventory and then they are the largest purchasers of licenses and rights to that technology, to be taken home to their homeland, developed into products with some of our natural resources and then sent back as a finished product into the American market and then sold.

All we are asking for is the opportunity for the average American to see it. Now, how do we intend to do that? The bill is not that complicated. It says that Americans should be able to know what is in the inventory, what kind of research and development over the last 20 years, when we financed 1.5 million research and development projects, what did they do, what did they find, what are they capable of being commercialized for?

I challenge my friends who challenge this bill and I challenge the gentleman from Pennsylvania [Mr. WALKER] to walk through the system of buying Federal technology and find out how expensive and how difficult it is. If you are a private individual in Pennsylvania and you wanted to go into business

and use American technology, you had better be prepared to spend a couple of years and a couple of million dollars before you are ever going to get title or license to that property. Instead of that happening, what we suggest is the creation of a database so that all of the technology will be readily retrievable by a PC and a modem in every American home and business in the United States. It will be cross-indexed, cross-referenced, not only so it can be purchased but so that we do not have duplication of efforts in scientific laboratories and schools and laboratories all over the country.

Let me tell you a story that really made me move this bill through. For the last 20 years of my life I followed the process of enzyme use in new processes in the United States, 20 years ago or longer, the process to take waste-paper and dissolve it into glucose and then put it through bacteria and make ethanol in a simultaneous atmosphere was discovered by the Gulf Oil Co. and the Nissan Mining Co. of America, way back in the early 1970's. It was the mutation of an enzyme from the Nagasaki sewer system that these two great corporations spent a great deal of research and development and finally developed the wherewithal where we could take waste cellulose, which makes up more than half of every ton of municipal waste, and converted into a fuel product for automobiles, at a reasonable cost. That process has been carried on until most recently a famous American university has brought it down to a cost where they can take that waste-paper, put an enzyme to it and convert it to ethanol at a cost of less than 75 cents a gallon; almost or it is a commerciable product. It is not yet in commercial stages, but it is working toward it within the next year or two.

In discussing it with some of the scientists who are working on this, it became clear to me that the biggest problem here is the cost of the enzyme, which represents almost half the cost of the production of that fuel.

When we looked around the country to see who was doing enzyme research, I was amazed to find that one of the most talented individuals who could solve the problem of the cost of that enzyme existed at the same university not far from the very laboratory where this process is being made. But there was no way in the Federal system to make sure that these people knew that they were commonly working on a similar problem.

What we are attempting to do with this universal database of inventory of research and development is make it possible within the next year that businessmen, entrepreneurs and researchers throughout this country could cross-reference and find out what their colleagues in the past have done. Then we are going to take that database and make it available to good old American marketing techniques through a private corporation which is charged with marketing this research and development and selling it to the American market. And we hope they can do it by television, something similar to the Discovery Channel, where Americans of all shades of life can watch technologies owned by the Government are put out on this network.

Finally, a single one-stop shopping for the technology, a quick action rather than 2 years and $2 million, make it a lot shorter and a lot cheaper so American businessmen, small and medium and large, American entrepreneurs could have an opportunity to develop jobs by taking American technology and putting it to work.

I think it is probably, if anything, on a partisan basis as Republican as you can get in this House. I think we can stand in the Banking Committee on the side of the fact that we spent more than a year's time, extended study, and have the evidence to support the passage of this amendment which is attached to this bill under the rule. All the gracious considerations that we have been given by the Committee on Rules to accomplish this tomorrow with this bill when it is brought up for final passage will only afford not only the Banking Committee but finally the American people to share in the wealth and the genius of research and development that American taxpayers' money have been spent on for too long without bringing that to commercialization.

Mr. Speaker, I rise in support of the rule for the consideration of H.R. 2442, the Economic Development Reauthorization Act of 1994.

I would like to thank the members of the Rules Committee for ensuring, under the rules, that a key part of H.R. 2442, as reported from the Committee on Banking, Finance and Urban Affairs, is allowed to be considered by the full membership of the House of Representatives.

Specifically, the rule makes in order, as the first amendment for consideration during debate on the bill, an amendment I will offer to utilize the fruits of this Nation's research as an engine for creating significant numbers of new jobs in private sector businesses.

Under the version of H.R. 2442, which was unanimously reported from the Banking Committee, with strong bipartisan support, a new subtitle 7(C) was included to enhance the ability of U.S. small: and medium-sized businesses to obtain information and licenses on technologies and process developed through Federal R&D. By making it easier for small- and medium-sized businesses to commercialize these these technologies, tens of thousands of new jobs will be created which offer good wages and real opportunities for advancement to working men and women across this country. In the final analysis, I believe that this is what economic development is all about.

Under the rule before us now, I will offer a modified version of these provisions from the Banking Committee's version of H.R. 2442 as an amendment to create a new title III to the bill.

I am pleased to inform the Members that the language of the amendment I will offer was developed in collaboration with both the Committee on Science, Space, and Technology and the Committee on Energy and Commerce. Neither committee is opposing the amendment in the form in which it will be offered. Similarly, it is my understanding that Public Works Committee Chairman MINETA, and Subcommittee Chairman WISE, both intend to vote for the amendment.

Mr. Speaker, despite the enormous potential for job creation under the amendment, the amendment has been the focus of some misunderstanding. In our revisions, developed with the assistance of the Science Committee and the Energy and Commerce Committee, we have corrected some of the causes of these misunderstandings. Nevertheless, I would like to take a minute, to outline what the amendment does, and just as importantly, what it does not do.

The amendment does not change current law; it supplements current law. Today, Federal agencies and labs are charged with the responsibility of attempting to transfer technologies they develop to private sector commercial application. Increasingly, some Federal laboratories are entering into cooperative research and development agreements [CRADA's] as part of their efforts to achieve technology transfer. These efforts are not changed under the amendment.

Today, universities which develop technologies and patentable inventions, during the course of Federally funded research, have the right to file patents, issue licenses, and receive royalties from the private sector commercialization of the technologies and patents. This does not change under the amendment.

Today, through the activities of Federal agencies, labs, and universities, initial efforts at technology transfer are decentralized and diffused. This does not change under the amendment.

Under the amendment, all rights and responsibilities of Federal agencies, labs, and universities are protected and preserved.

What the amendment does provide for is, first, the creation, by the Secretary of Commerce, of a comprehensive, integrated data base of all technologies, processes, and other proprietary rights to which the Federal Government has an interest. Currently, there is a great deal of effort underway to improve and expand data bases within the Department of Commerce. The language of the amendment will support and assist the Secretary in moving forward with these efforts.

Second, the amendment provides for several studies on the effectiveness of the Federal Government's overall technology transfer efforts and methods to enhance those efforts. If, after the completion of those studies, the President determines that it would not impair the operation of Federal policies and programs relating to technology utilization and commercialization, the President will establish a Business Development and Technology Commercialization Corporation. Following its creation, the President will provide for its conversion to private ownership.

The Corporation will be charged with undertaking an aggressive, multifaceted marketing

effort to increase awareness by U.S. small- and medium-sized businesses of the availability of licenses to commercialize Federally held technologies. Working in conjunction Federal agencies, laboratories, and universities, the Corporation may also assist in the actual licensing of these technologies to U.S. businesses. In our view, the services of the Corporation represent an important opportunity to assist Federal agencies, laboratories, and universities in carrying out their technology transfer responsibilities. Under the language of the amendment, however, Federal agencies, laboratories, and universities are not required to utilize the services of the Corporation.

Third, the amendment authorizes the Corporation to serve as a clearinghouse of information for U.S. businesses on finance assistance which may be available through other Federal programs, through State or local governments, or through the private sector.

The driving principle throughout the amendment is the need to make it easier for U.S. businesses to have access to technologies developed through Federal funding. Today, only very large businesses and foreign interests have the resources to effectively learn of and pursue rights to these technologies. The amendment recognizes that small- and medium-sized businesses are the major job creating entities in this economy and that it is imperative that we make it easier for these businesses to have access to these new technologies.

Mr. Speaker, as important as improved job training and welfare reform are, we will achieve only partial success on those fronts if we do not simultaneously take meaningful steps to encourage the development of thousands of new small businesses throughout this country to create tens of thousands of new jobs, at good wages, with real futures. That is what this amendment is all about. As such, I thank the members of the Rules Committee for making the amendment in order during the debate on H.R. 2442, and I urge the adoption of the rule and the amendment.

Mr. BEILENSON. Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I just want to thank the gentleman from Pennsylvania [Mr. KANJORSKI] for his kind and very bipartisan good wishes for TOM RIDGE in his bid to become Governor of Pennsylvania. We wish him all the success in the world.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. I thank the gentleman for yielding to me. I am delighted to have a chance to speak on this rule. I know our Banking Committee has some time, but in the interest of everyone's time, I thought I would speak at this time, I say to the gentleman from New York.

Mr. Speaker, I urge adoption of the rule, House Resolution 420, for consideration of the bill, H.R. 2442, the Economic Development Administration Reauthorization Act. We have worked long and hard on this piece of legislation, and I think that people, especially in business, and people who are looking for good-paying jobs, are going to applaud this legislation.

This is an open rule. I compliment my friend from New York for getting this open rule. It does not happen often.

It is noncontroversial from the minority point of view. No legislation is perfect, and this bill is not perfect. But it is a good bill, and I will be stating the reservations I may have when we argue this particular bill and not the rule on the floor.

The rule's provision for considering an amendment in the nature of a substitute provides for immediate consideration of the Kanjorski amendment. The Kanjorski amendment providing for high-tech transfer corporation consists of major provisions of H.R. 3550, legislation of which I am an original cosponsor. Without the Kanjorski amendment, bipartisan support for the substitute bill would be greatly weakened.

This proposal is designed to create new, good-paying, high-tech private sector jobs without any major new Government outlays. This initiative is designed to expedite businesses' utilization of hundreds of billions of dollars of research and development for work paid by the Federal Government—that is, our taxpayers—over the past several decades.

□ 1400

For years and years the taxpayers have paid for research and development, but no one has really utilized it. This gives us a chance for our companies, our workers, the people that are working to build up our economy, to have this opportunity.

A clearinghouse of information about federally funded new technologies would be created, and that is precisely what we have been hearing in our Committee on Banking, Finance and Urban Affairs, and the Committee on Small Business, and the Committee on Foreign Affairs, where we deal with economic policy and trade. People are saying, "Where can we go to in the Federal Government to find these new discoveries? Where can we find these discoveries that can help us, the new breakthroughs?" And this is going to help us.

Mr. Speaker, a government chartered corporation, funded by a stock sale, a stock sale, would operate as a one stop shopping place for businesses. We cannot expect our American businesses to come and search all over the country, all over Washington, pay huge fees to various companies so they can find out what is available. I think that this clearinghouse is going to be a real blessing, a real boon to our businesses and to the people who are looking for good-paying jobs.

Unless burdened by unacceptable floor amendments, Mr. Speaker, the bill will have significant bipartisan support I predict. I intend to support this legislation, if the House approves it substantially as reported and with the Kanjorski amendment to the substitute.

So, I urge my colleagues to vote for this constructive rule and to vote for this job creating initiative, and I want to thank the gentleman from New York [Mr. SOLOMON], my friend, for giving me this time today, and I want to compliment all the Committee on Rules members for obtaining an open rule. I think that is a real feather in their cap, and I want to say we all appreciate that work.

Mr. SOLOMON. Mr. Speaker, I thank my friend, the gentleman from Green Bay, WI [Mr. ROTH].

Mr. Speaker, I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, to repeat, and as the gentleman from Wisconsin said, this is an open rule, and I urge my colleagues to approve it.

Mr. WISE. Mr. Speaker, I rise in strong support of House Resolution 420 which provides for consideration of a substitute amendment to H.R. 2442, the Economic Development Reauthorization Act of 1994.

House Resolution 420 provides for consideration of this substitute amendment under an open rule. Under the provisions of the resolution, no limitations are placed on amendments which may be offered. When the leadership of the Public Works Committee testified before the Rules Committee, we requested an open rule and House Resolution 420 honors that request. I want to take this opportunity to thank Chairman MOAKLEY, the members of the Rules Committee, and the manager of the resolution, Congressman BEILENSON, for bringing forth a rule which deserves unanimous support from both sides of the aisle.

House Resolution 420 provides for a compromise substitute amendment to be in order as the original text for purposes of amendment. The compromise substitute amendment reflects a bipartisan agreement of the Public Works Committee and the Committee on Banking, Finance and Urban Affairs to revise and extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 and reauthorize the programs of the Economic Development Administration [EDA] and the Appalachian Regional Commission [ARC].

Mr. Speaker, many of us have waited 12 long years to have the chance to be here today. This is the first time since 1982 that we actually have a realistic chance to reauthorize the Economic Development Administration and the Appalachian Regional Commission.

I join with my good friend and Chairman NORM MINETA in supporting adoption of House Resolution 420. The Committee on Public Works and Transportation ordered the EDA and ARC reauthorization bill reported last November by a unanimous vote. We worked very closely with our colleagues Congressman BUD SHUSTER and Congresswoman SUSAN MOLINARI, who are ranking members of the full committee and Economic Development Subcommittee respectively, to craft a bill which has bipartisan support in our committee. We

achieved this goal, and we have been working together ever since to make sure that this spirit of cooperation remains. I want to say that we would not be here today if it were not for the cooperative working relationship enjoyed between the majority and minority on the Public Works Committee.

H.R. 2442 was sequentially referred to the Committee on Banking, Finance and Urban Affairs and to its Subcommittee on Economic Growth and Credit Formation. I would like to compliment my friend and colleague, Congressman PAUL KANJORSKI, chairman of the Economic Growth Subcommittee, for his cooperation in the past weeks to reach a compromise. Since the Banking Committee reported H.R. 2442 on April 26, 1994, the Public Works and Banking Committees have been working together to achieve a product which we all can agree upon, and I believe that both sides have gained from the effort. The final product is the compromise substitute amendment; it is a good amendment and I believe that it will be broadly supported. Again, I want to compliment Chairman GONZALEZ and Congressman KANJORSKI on the way they approached these ultimately successful negotiations, and wish to also note the support provided by Congressman LEACH and Congressman RIDGE on the minority side of the Banking Committee.

The substitute amendment to H.R. 2442 authorizes the Economic Development Administration and the Appalachian Regional Commission for a period of 3 years through fiscal year 1996. Title I of the substitute amends existing provisions of the Public Works and Economic Development Act of 1965 [PWEDA]. This approach differs from previous EDA reauthorization bills which struck existing titles of PWEDA and rewrote the legislation. Title II authorizes funds for ARC programs and amends the Appalachian Regional Development Act of 1965. It includes provisions which are similar to previous ARC reauthorization bills.

Several of the provisions contained in the substitute amendment address criticisms of the administration of these programs and include recommendations made by witnesses at hearings conducted by our committee on the legislation. During these hearings, representatives of numerous organizations, development districts, and local, regional, and State governments from both urban and rural areas have pointed out that many areas of the Nation continue to need the economic assistance provided by the EDA and ARC programs. Among the most often mentioned recommendations for the programs were multiyear funding at higher levels and expediting a simplified applications process, particularly for EDA Programs.

The authorization for fiscal year 1994 mirrors the already enacted appropriation of $322 million for EDA Programs. For each of fiscal years 1995 and 1996, the substitute authorizes an estimated amount of $386 million for EDA Programs. The substitute amendment authorizes $249 million for fiscal year 1994 and an estimated $214 million per year for fiscal years 1995 and 1996 for ARC Programs.

As we have moved the Economic Development Reauthorization Act through the legislative process, Secretary of Commerce Ron Brown and Appalachian Regional Commission Federal Cochairman Jesse White have been very helpful to the committee. For instance, Secretary Brown has indicated that EDA will be a cornerstone for areas hit by military base closures and the loss of military contracts. EDA officials have testified that they are already heavily involved in assisting communities affected by defense spending cuts as well as areas severely impacted by natural disasters such as Hurricanes Andrew and Iniki, Typhoon Omar, the severe storms of Kansas, the Midwest floods, and the recent earthquake in southern California.

Mr. Speaker, we have an opportunity to take both the EDA and the ARC into modern times. Much has changed in our country since both were last authorized in the early 1980's, and the programmatic changes contained in the substitute amendment will go a long way toward modernizing the way both do business.

Mr. Speaker, I urge support of House Resolution 420 to allow us to consider this important legislation in a fair and open process.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON FISCAL YEAR 1993 ACHIEVEMENTS IN AERONAUTICS AND SPACE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. SCOTT) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology:

To the Congress of the United States:

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during fiscal year 1993, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities involve 14 contributing departments and agencies of the Federal Government, as this report reflects, and the results of their ongoing research and development affect the Nation as a whole in a variety of ways.

Fiscal year 1993 brought numerous important changes and developments in U.S. aeronautics and space efforts. It included 7 Space Shuttle missions, 14 Government launches of Expendable Launch Vehicles [ELVs], and 4 commercial launches from Government facilities. Highlights of the Shuttle missions included the first in a series of flights of the U.S. Microgravity Payload that contained scientific and materials-processing experiments to be carried out in an environment of reduced gravity; the deployment of the Laser Geodynamic Satellite (a joint venture between the United States and Italy); the deployment of a Tracking and Data Relay Satellite; and, the second Atmospheric Laboratory for Applications and Science mission to study the composition of the Earth's atmosphere, ozone layer, and elements thought to be the cause of ozone depletion. The ELV missions carried a variety of payloads ranging from Global Positioning System satellites to those with classified missions.

I also requested that a redesign of the Space Station be undertaken to reduce costs while retaining science-user capability and maintaining the program's international commitments. To this end, the new Space Station is based on a modular concept and will be built in stages. However, the new design draws heavily on the previous Space Station Freedom investment by incorporating most of its hardware and systems. Also, ways are being studied to increase the Russian participation in the Space Station.

The United States and Russia signed a Space Cooperation Agreement that called for a Russian cosmonaut to participate in a U.S. Space Shuttle mission and for the Space Shuttle to make at least one rendezvous with the Mir. On September 2, 1993, Vice President Albert Gore, Jr., and Russian Prime Minister Victor Chernomyrdin signed a series of joint statements on cooperation in space, environmental observations/space science, commercial space launches, missile export controls, and aeronautical science.

In aeronautics, efforts included the development of new technologies to improve performance, reduce costs, increase safety, and reduce engine noise. For example, engineers have been working to produce a new generation of environmentally compatible, economic aircraft that will lay the technological foundation for a next generation of aircraft that are superior to the products of other nations. Progress also continued on programs to increase airport capacity while at the same time improving flight safety.

In the Earth sciences, a variety of programs across several agencies sought better understanding of global change and enhancement of the environment. While scientists discovered in late 1992 and early 1993, for instance, that global levels of protective ozone reached the lowest concentrations ever observed, they also could foresee an end to the decline in the ozone layer. Reduced use of ozone-destroying chlorofluorocarbons would allow ozone quantities to increase again about the year 2000 and gradually return to "normal."

Thus, fiscal year 1993 was a successful one for the U.S. aeronautics and space programs. Efforts in both areas have contributed to advancing the Na-

tion's scientific and technical knowledge and furthering an improved quality of life on Earth through greater knowledge, a more competitive economy, and a healthier environment.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 10, 1994.*

ANNUAL REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs:

To the Congress of the United States:

Pursuant to the requirements of 42 U.S.C. 3536, I transmit herewith the 28th Annual Report of the Department of Housing and Urban Development, which covers calendar year 1992.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 10, 1994.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE FOOD FOR PEACE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, this Member rises today, and will speak again on May 12, in a two-part tribute to, and discussion of, one of the outstanding programs of the U.S. Government, which has literally saved the lives of millions and millions of people around the world during the last four decades. That program is the Food for Peace Program, also called the Public Law 480 program after the public law that created the program 40 years ago. Today my remarks will focus on the history of the Public Law 480 program. My remarks later this week will focus on the current challenges facing Public Law 480 program in responding to food security needs worldwide.

On the morning of May 4, 1994, there was a gathering here on Capitol Hill of several hundred people from around the United States to recognize the 40th anniversary of the Public Law 480 program. The several hundred people in attendance included representatives from farming, food processing, transportation, and relief organizations like CARE and Catholic Relief Services from all over the country. Members of Congress and officials from the Department of Agriculture and the U.S. Agency for International Development also spoke of the many contributions of the program over the years. Many commented that this program embodies the heart of America at its best, reaching out with concrete generosity to those most in need. Mr. C. Payne Lucas, executive director of Africare, said that just as Public Law 480 was instrumental in limiting the appeal of communism in poor countries, so it continues to be needed today to preserve the fragile democracies that are emerging. This Member was reminded that Mr. James Grant, executive director of UNICEF, once defined democracy as "elections, followed by dinner."

In these remarks today this Member will briefly recap some of the changes in the food aid program over the years, and, in the second set of remarks later this week, point out some of the serious challenges faced by the Food for Peace Program today.

The Agricultural Trade Development and Assistance Act of 1954, was signed into law by President Dwight Eisenhower on July 10, 1954. Since 1955, it has provided about 48 billion dollars' worth of food to countries with food shortages. The program is reevaluated and redesigned every 4 to 5 years as part of the general farm bill legislation that authorizes most food and agricultural programs. The last farm bill was in 1990; the next one will be in 1995. Funding for food aid is provided annually as part of the agriculture appropriations bill. In fiscal year 1994, the Public Law 480 program is funded at a level of $1.6 billion, most of which is spent to buy commodities in the United States for donation or sale in poor countries and to pay for transportation services.

During the early years of the program, the Public Law 480 program helped dispose of surplus commodities and increase U.S. agricultural exports as its primary objectives. Concerns that careless dumping could disrupt local agricultural production and marketing led to redesign of the program. By the mid-1960's the focus of the program was changed by Congress to emphasize economic development and foreign policy objectives, including emergency relief and combating communism in the Third World. Commodities used in the P.L. 480 program were no longer required to be in surplus, but could be bought for use in meeting emergencies and development needs in the Third World.

In the early 1970's the world food situation deteriorated sharply because of poor weather conditions and other market factors. World food stocks diminished and commodity prices rose sharply, threatening many people in poor, food-importing countries with famine. The World Food Conference in 1974 was a gathering of delegates from 130 nations in response to this emergency situation. The world community pledged to boost food production, particularly in poor and food deficit nations, and to establish a world target of 10 million tons of food assistance available each year. The U.S. food aid program has continued to be the largest national effort toward this global commitment, accounting for a very substantial share of worldwide food aid contributions since then. Then Public Law 480 legislation throughout the 1970's reflected a continuing focus on advancing the development of needy countries by reducing poverty and helping to meet the basic needs of their people. Private voluntary organizations like CARE and Catholic Relief Services came to play a predominant role in the management and distribution of donated food. Also, under the special food for development program, very poor countries could negotiate forgiveness of U.S. food aid loans if they undertook acceptable development reforms to improve food security and rural development.

In the 1980's U.S. food aid played a major role in meeting the humanitarian needs of the famine in Africa in 1984–85. In 1985 an additional new food aid distribution channel called Food for Progress was created to allow grants of food aid to countries committed to introducing free market agricultural reforms. Rules governing CCC-owned surplus stocks were also broadened under section 416 to allow foreign donations of all CCC-held edible commodities as a supplement to the Public Law 480 program.

Today, as the result of the latest changes in the Food for Peace program in 1990 farm bill legislation, Public Law 480 food aid is focused on improving food security in countries with significant levels of malnutrition, chronic food shortages, and high infant mortality rates. Food aid can no longer be used as a political reward for foreign countries, without regard for their degree of need or their potential as commercial markets for the U.S. emergency food aid is donated to provide immediate assistance during famines and man-made disasters. Developmental food aid meets current food deficit needs and requires that any local currency proceeds from sales of the donated food in local markets be reinvested in projects to improve the long-term food security, health, and productivity of poor and undernourished people. There also continues to be a food aid credit program for food-deficit countries that need concessional financing terms and have potential to become commercial markets for U.S. commodities.

Over the years food assistance has decreased in absolute terms and as a percentage of total U.S. exports. In the 1950's and early 1960's, total U.S. grain

exports ranged between 10 and 30 million tons a year, and more than 50 percent of grain exports were shipped under the Public Law 480 program. In the late 1980's and 1990's, total U.S. grain exports have ranged between 80 and 100 million tons a year, representing a dramatic increase in commercial sales, and food aid has accounted for only about 7 percent of total grain exports and 2 to 4 percent of total U.S. agricultural exports.

The second part of my remarks on U.S. food assistance programs later this week will focus on several difficult challenges to the Public Law 480 program at present. The first is the serious decline in funding levels in the face of ongoing, even escalating, needs for international food aid. The second is the challenge of preserving food aid programs that address chronic hunger and food insecurity through long-term development in the face of mounting emergency food aid needs.

□ 1410

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ROTH) and to include extraneous matter:)

Mr. WALKER.

Mr. CALLAHAN.

(The following Members (at the request of Mr. BEILENSON) and to include extraneous matter:)

Mrs. MALONEY in two instances.

Mr. STUDDS.

Mr. MANN in two instances.

Mr. BROWDER.

Mr. DELLUMS.

Mr. PENNY.

Mr. GORDON.

Mr. HOYER.

Mr. UNDERWOOD.

Mr. YATES.

Mr. VISCLOSKY.

Mrs. KENNELLY.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 116. An act for the relief of Fanie Phily Mateo Angeles; to the Committee on the Judiciary.

S. 668. An act to amend title IX of the Civil Rights Act of 1968 to increase the penalties for violating the fair housing provisions of the Act, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1727. An act to establish a program of grants to States for arson research, prevention, and control, and for other purposes.

ADJOURNMENT

Mr. BEREUTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 12 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 11, 1994 at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3146. A letter from the Secretary of Defense, transmitting a report pursuant to section 242 of the fiscal year 1994 National Defense Authorization Act; to the Committee on Armed Services.

3147. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Brady Anderson, of Arkansas, Ambassador designate to the Republic of Tanzania, and members of his family, also by Dorothy Myers Sampas, of Maryland, Ambassador designate to the Islamic Republic of Mauritania, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3148. A letter from Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend authorizations of appropriations for certain youth programs under the Anti-Drug Abuse Act of 1988, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Education and Labor and Energy and Commerce.

3149. A letter from the Secretary of Energy, transmitting notification that the report from the Advisory Committee on Demonstration and Commercial Application of Renewable Energy and Energy Efficiency Technologies will not meet the due date of April 24, 1994, but will submit the report by April 28, 1995, pursuant to 42 U.S.C. 13311; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

3150. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Memorandum of Justification for Presidential Determination Regarding the Drawdown of Commodities and Services To Assist the International Tribunal For the Former Yugoslavia, pursuant to 22 U.S.C. 2318(b)(2); jointly, to the Committees on Foreign Affairs and Appropriations.

3151. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification to the Congress: Regarding the incidental capture of sea turtles in commercial shrimping operations, pursuant to Public Law 101–162, section 609(b)(2) (103 Sat. 1038); jointly, to the Committees on Merchant Marine and Fisheries and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

Mr. DE LA GARZA: Committee on Agriculture. H.R. 2473. A bill to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes (Rept. 103–487, Pt. 2). Ordered to be printed.

Mr. MILLER of California: Committee on Natural Resources, H.R. 518. A bill to designate certain lands in the California desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes; with an amendment (Rept. 103–498). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on Armed Services. H.R. 4301. A bill to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes; with amendments (Rept. 103–499). Referred to the Committee of the Whole House on the State of the Union.

REPORTED AMENDMENT SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 2473. The amendment recommended by the Committee on Natural Resources referred to the Committee on Merchant Marine and Fisheries for a period ending not later than May 11, 1994, for consideration of such provisions of the amendment as fall within the jurisdiction of that committee pursuant to clause 1(m), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. NADLER (for himself, Mr. DELLUMS, Ms. VELAZQUEZ, Mr. OWENS, and Mr. MILLER of California)

H.R. 4370. A bill to establish the AIDS Cure Project; to the Committee on Energy and Commerce.

By Mr. HOYER (for himself, Mr. STUDDS, Mr. YOUNG of Alaska, Mr. TAUZIN, Mr. BATEMAN, Mr. HOCHBRUECKNER, Mr. SAXTON, Mr. REED, Mr. COBLE, Mr. GILCHREST, Mr. ACKERMAN, and Ms. DELAURO):

H.R. 4371. A bill to amend the Internal Revenue Code of 1986 to permit tax-free sales of diesel fuel for use in diesel-powered motorboats and to allow dyed diesel fuel to be sold for such use, or so used, without penalty; to the Committee on Ways and Means.

By Mr. PENNY (for himself, Ms. MARGOLIES-MEZVINSKY, Mr. MEEHAN, and Mr. LEVY):

H.R. 4372. A bill to amend title II of the Social Security Act to provide for a phased-in 5-year increase in the age for eligibility for OASDI benefits by the year 2013; to the Committee on Ways and Means.

H.R. 4373. A bill to amend the Social Security Act to provide for limitations on cost-of-living adjustments; jointly, to the Committees on Ways and Means, Veterans' Affairs, and Energy and Commerce.

By Mr. PENNY (for himself, Ms. MARGOLIES-MEZVINSKY, Ms. LONG, Ms. LAMBERT, Mr. MEEHAN, Mr. MCMILLAN, Mr. MURTHA, and Mr. BARRETT of Wisconsin):

H.R. 4374. A bill to amend the Social Security Act to improve the information made available in Social Security account statements and to provide for annual distribution of such statements to beneficiaries; to the Committee on Ways and Means.

By Mr. GEPHARDT (for himself, Mr. RICHARDSON, Mr. TORRICELLI, Mr. LEVIN, and Mr. BORSKI):

H.R. 4375. A bill to provide negotiating authority for a trade agreement with Chile, but to apply fast-track procedures only to such an agreement that contains certain provisions relating to worker rights and the environment; jointly, to the Committees on Ways and Means and Rules.

By Ms. NORTON:

H.R. 4376. A bill to amend the Internal Revenue Code of 1986 to increase the taxes on certain alcoholic beverages and to provide additional funds for mental health and substance abuse benefits under health care reform legislation; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. CLINGER (for himself, Mr. HUGHES, Mr. MCHUGH, Mr. MINGE, Mr. PARKER, and Mr. OBERSTAR):

H.R. 4377. A bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, and certain other acts to provide for an increase in the number of health professionals serving in rural areas; jointly, to the Committees on Energy and Commerce, Ways and Means, and Education and Labor.

By Mr. CLINGER (for himself, Mr. MCHUGH, Mr. MINGE, Mr. PARKER, and Mr. OBERSTAR):

H.R. 4378. A bill to amend the Social Security Act to require the Secretary of Health and Human Services to equalize the labor and non-labor portions of the standardized amounts used to determine the amount of payment made to rural and urban hospitals under part A of the Medicare Program for the operating costs of inpatient hospital services, to amend the Public Health Service Act to improve the capacity of rural hospitals to provide health services, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, the Judiciary, and Government Operations.

By Mr. DE LA GARZA (for himself, Mr. ROBERTS, Mr. JOHNSON of South Dakota, Mr. COMBEST, Mr. PENNY, and Mr. ALLARD):

H.R. 4379. A bill to amend the Farm Credit Act of 1971 to enhance the ability of the banks for cooperatives to finance agricultural exports, and for other purposes; to the Committee on Agriculture.

By Mr. DE LUGO:

H.R. 4380. A bill to amend the Harmonized Tariff Schedule of the United States to extend certain provisions relating to verification of wages and issuance of duty refund certifications to insular producers in the U.S. Virgin Islands, Guam, and American Samoa; to the Committee on Ways and Means.

By Mr. HUTTO:

H.R. 4381. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the U.S. Navy Blue Angels; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. JOHNSON of Connecticut (for herself, Mr. FRANK of Massachusetts, and Mr. GEJDENSON):

H.R. 4382. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [Superfund] to provide for the cleanup of municipal waste landfill Superfund sites, and for other purposes; jointly to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. MANTON:

H.R. 4383. A bill to authorize the Secretary of Transportation to convey the vessel SS *American Victory* to the Battle of the Atlantic Historical Society for use as a Merchant Marine memorial, for historical preservation, and for educational activities; to the Committee on Merchant Marine and Fisheries.

By Mr. COBLE (for himself and Mr. FLAKE):

H.J. Res. 365. Joint resolution to designate August 16, 1994, as "TV Nation Day"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

364. By the SPEAKER: Memorial of the House of Representatives of the State of Alabama, relative to urging the U.S. Congress to cease appropriating funds for any military activity not authorized by Congress; to the Committee on Foreign Affairs.

365. Also, memorial of the Legislature of the State of Alaska, relative to reauthorization of the Magnuson Fishery Conservation and Management Act; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 71: Mr. PASTOR, Mr. KING, Mr. MOORHEAD, and Mr. HYDE.

H.R. 799: Ms. DUNN.

H.R. 1910: Mr. LIVINGSTON and Mr. COOPER.

H.R. 2420: Mr. PETERSON of Minnesota, Mr. VISCLOSKY, and Mrs. MORELLA.

H.R. 2444: Mr. SAM JOHNSON, Mr. SMITH of Texas, Mr. HORN, Mr. THOMAS of Wyoming, Mr. ZIMMER, Mr. CAMP, Mr. TAYLOR of North Carolina, Mr. BEREUTER, Mr. ARMEY, Mr. MCCOLLUM, Mr. MCHUGH, Mrs. FOWLER, Mr. ROTH, and Mr. HEFLEY.

H.R. 3017: Mr. SCHIFF, Mr. DEFAZIO, and Mr. BAKER of California.

H.R. 3064: Mr. WALKER, Mr. SANTORUM, and Mr. HOLDEN.

H.R. 3486: Mr. MCINNIS, Mr. JOHNSON of South Dakota, Mr. HUTTO, Mr. ROWLAND, Mr. STEARNS, and Mr. PAYNE of Virginia.

H.R. 3790: Mr. HEFLEY.

H.R. 4040: Mr. ACKERMAN, Mr. SWETT, Mr. MAZZOLI, Mr. LAFALCE, Mr. RICHARDSON, Mr. DEFAZIO, Ms. LOWEY, Mr. SERRANO, Mr. STARK, Mr. MANTON, and Ms. PELOSI.

H.R. 4100: Mr. BEILENSON.

H.R. 4223: Mr. ARMEY.

H.J. Res. 209: Mr. HOUGHTON, Mr. KENNEDY, Mr. MCHUGH, Mr. DUNCAN, Mr. BAKER of California, Mr. PRICE of North Carolina, Mr. HASTINGS, and Mrs. CLAYTON.

H.J. Res. 327: Mr. BLILEY, Mr. VOLKMER, Mr. MOORHEAD, and Mr. GILLMOR.

H. Con. Res. 148: Mr. OXLEY, Mr. KNOLLENBERG, Mr. MICA, and Mr. ROYCE.

H. Res. 234: Ms. LONG, Mr. VISCLOSKY, and Mr. STRICKLAND.